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Commonwealth: Republican Rhetoric in the Pennsylvania Constitutional Convention of 1837-38

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COMMONWEALTH:
REPUBLICAN RHETORIC IN THE PENNSYLVANIA
CONSTITUTIONAL CONVENTION OF 1837-38

A Thesis

Presented to

The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment
of the Requirements for the Degree of
Master of Arts

by

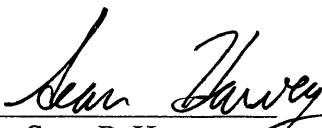
Sean P. Harvey

2002


APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of

Master of Arts


Sean P. Harvey

Approved, December 2002


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TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS	iv
ABSTRACT	v
INTRODUCTION	2
CHAPTER I. EDUCATION	15
CHAPTER II. SUFFRAGE	29
CHAPTER III. PATRONAGE	51
CHAPTER IV. STATE ELECTIONS	65
CONCLUSION	79
BIBLIOGRAPHY	86

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ABSTRACT

The purpose of this study is to examine the continuing presence of rhetoric focused on virtue, corruption, and the common good, in Jacksonian America. This rhetoric originates in a body of ideas known alternately as classical republicanism, civic humanism, and the British Commonwealth tradition. Historians have differed in their assessments of how far into the nation's history such ideas remained influential.

This thesis studied the continuance of this rhetoric by examining the debates from the Pennsylvania constitutional convention of 1837-38. Analysis of the debates revealed that though the rhetoric of republicanism indeed remained widely used in the convention, the assumptions on which that rhetoric had once rested had been transformed by the forces of democracy and individualism. Even though the assumptions upon which this rhetoric had once rested had changed, republican ideas remained influential, most notably in providing a vocabulary that shaped political discussion.

COMMONWEALTH

INTRODUCTION

The last thing a political party gives up is its vocabulary. This is because in party politics as in other matters, it is the crowd who dictates the language, and the crowd relinquishes the ideas it has been given more readily than the words it has learned.

—Alexis de Tocqueville

“Virtue, Liberty and Independence” — the motto of the Commonwealth of Pennsylvania. Such ideals have been prized in America since before the Revolution. But what values do those terms represent? The motto is open to diverse interpretations. Does “virtue” refer only to public virtue, the willingness to subordinate personal desires to the common good or does it represent a set of private traits including industry, moderation, piety, and chastity? “Liberty” is ambiguous as well; it could be positive — the liberty to participate in political life — or negative — freedom from government interference with individual pursuits. Finally, there is “Independence,” which could be construed as the economic independence necessary to participate virtuously in civic life or as an end in itself. And what exactly is the “Commonwealth?” Does it constitute a transcendent public interest, above and beyond any particular self-interest, or does it merely reflect the free competition of multiple private interests producing the will of the majority? At issue in these oppositions are two competing traditions: one — classical republicanism — emphasizes public life; the other — modern liberalism — is devoted to private pursuits.

But throughout the revolutionary, early national, and antebellum periods of American history, these competing traditions were often expressed by single terms, and these terms were the object of intense debate. The Pennsylvania constitutional convention of 1837-38 provides an arena to observe such debates and to acquire an understanding of how concepts such as “virtue, liberty and independence” changed in one specific “commonwealth.”

State constitutional conventions provide the best setting for such an undertaking because debates there eschewed the day-to-day minutiae faced by state legislatures and concentrated on the fundamental questions of how a republic can and should be governed. Such discussions constitute an ideal site to explore whether and how classical republican ideas continued to shape the way statesmen conceived of government, society, and human nature. Pennsylvania’s convention, in particular, provides advantages not to be found in others. It occurred at the height of Jacksonian party strife, just as the “Old Roman” Andrew Jackson had handed power and an imminent panic to his successor Martin Van Buren. In addition, Pennsylvania was a politically and economically powerful state in the Jacksonian era, yet the state convention of 1837-38 has received little scholarly attention, none of it recent.

“I always submit to the will of the majority. I learned so much republicanism in my youth.”¹ Spoken by James Merrill, of Union, these words were echoed a few weeks later by John B. Sterigere, of Montgomery, who declared that his “understanding of republican government was its being administered according to the will and wishes of the

¹ Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, to Propose Amendments to the Constitution, commenced and held at Harrisburg on the second day of May, 1837, reported by John Agg, 13 vols. (Harrisburg: Packer, Barrett, and Parke, 1837-39), I, p. 110. [Hereafter cited as Debates]

people.”² Neither Merrill nor Sterigere were corrected by any of the other delegates. Did “republicanism” refer merely to the structure of government, or did it entail a commitment to a specific constellation of ideas, notably, the necessity of civic virtue in the people and in the elite, the ever-present danger of corruption, and the possibility and desirability of setting aside self-interest to pursue the common good?³ Joyce Appleby has called republicanism “the most protean concept for those working on the culture of antebellum America.”⁴ The Pennsylvania delegates Merrill and Sterigere did not consider it protean; they gave straightforward articulations of their understanding. How were they to know such expressions would provoke later controversy?

John Patrick Diggins alerts historians to “linguistic lag” and Appleby warns of similar “sleights of tongue,” whereby the language used to express traditional concepts can persist long after the meaning of the concepts themselves has been forgotten or rejected, resulting in entirely new ideas — sometimes ideas antithetical to the original ones — existing in an unvarying set of terms.⁵ They are correct in drawing attention to these dangers, but the task remains to understand how people were adapting their language to new social and political situations. More than Appleby, Diggins admits that “the language of classical thought continued into the Jacksonian era,” but he doubts that it survived in meaningful terms: “If language is reality, we would have to accept as true the pronouncements of both the Democrats and the Whigs that each party stood for ‘virtue’ and its opponents for ‘tyranny.’” Thus one wonders whether the rhetoric of

² Ibid., II, p. 112.

³ My conception of classical republicanism has been mainly shaped by the various writings of Gordon S. Wood, J. G. A. Pocock, and Lance Banning.

⁴ Joyce Appleby, “Republicanism and Ideology,” in *American Quarterly*, 37 (1985): 461-73, quote, p. 461.

⁵ John Patrick Diggins, *The Lost Soul of American Politics: Virtue, Self-Interest, and the Foundations of Liberalism* (New York: Basic Books, 1984), p. 114; Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York: New York University Press, 1984), p. 30.

traditional classical politics is sufficient to explain what was actually going on then.”⁶

Diggins is partially correct, at some points in the Pennsylvania convention of 1837-38 references to virtue, corruption, and the common good seem mere rhetorical flourishes ornamenting more practical considerations; but at many other times, the observer can discern significant ideological disputes. Sometimes the reader wonders whether arguments became heated because the delegates understood each other’s accusations through a shared tradition, or whether disagreement derived from confusion over the meanings of terms that, though long in use, no longer seemed clear.

By examining the rhetoric of the Pennsylvania constitutional convention of 1837-38, I am not seeking to “explain” the actions taken by the various delegates. My goal is more modest: to identify those ideas representative of the continuing influence of classical republicanism in antebellum political thought, understand how these ideas continued to express the values and concerns of the delegates who used them, and, ultimately, to illustrate how these traditional concepts were being transformed to fit the exigencies of a world reshaped by the forces of democracy, the market, and individualism. Under debate were the frayed strands of the republican tradition that was the mutual inheritance of all in the convention. To focus my study, at the very outset I chose those three subjects for debate that I would analyze: education, the franchise, and patronage. Fortunately, I also came across a fourth topic that provided fascinating debate—a motion to change the date of state elections to coincide with the federal elections. These were not necessarily the issues most pressing to the delegates who attended the convention or to those citizens who voted for it, but they presented the most likely opportunity to observe delegates utilizing various aspects of the republican

⁶ Diggins, *Lost Soul of American Politics*, pp. 12-13.

tradition and thus the greatest chance to examine the rhetoric of republicanism as used in different contexts.

Most historians accept that the body of ideas focused upon civic virtue, corruption, and the common good — known alternately as classical republicanism, civic humanism, and the British Commonwealth tradition — played an important role in shaping the American revolutionary movement, but these historians differ in their assessments of how far into the nation's history these ideas remained influential. Gordon S. Wood has claimed that the adoption of the Constitution in 1789 “marked an end of the classical conception of politics.”⁷ He does not deny that the language of republicanism persisted into the nineteenth century, simply that the founding generation and their heirs legitimized the language of interest and ceased to view government as a mixture of different social orders. Other historians see a sharp break from classical influences in the period following the War of 1812, which, in showing the necessity of a national bank, a standing army, a tariff to protect industries, and a system of nationally funded internal improvements, thus revealed the weaknesses of classical ideas of society and political economy in a rapidly modernizing world.⁸

Consensus on such issues was achieved to a degree during the “Era of Good Feelings,” but it was transient. As the Democratic-Republicans splintered into the

⁷ Gordon S. Wood, The Creation of the American Republic, 1776-1787 (Chapel Hill: University of North Carolina Press, 1969), p. 606.

⁸ Lance Banning and Steven Watts both depict the war as the watershed in the transformation from a classical republican framework to a modern liberal one. See, Lance Banning, The Jeffersonian Persuasion: Evolution of a Party Ideology (Ithaca: Cornell University Press, 1978), p. 301, and Steven Watts, The Republic Reborn: War and the Making of Liberal America, 1790-1820 (Baltimore: Johns Hopkins University Press, 1987), p. 298. Other historians place this transformation, in its most complete form, in the 1820s and 1830s. See, Richard K. Matthews, “Editor’s Epilogue: Paradise Lost or Paradise Found? Virtue, Corruption, and Self-Interest in Tocqueville’s Frontier,” in Richard K. Matthews, ed., Virtue, Corruption, and Self-Interest: Political Values in the Eighteenth Century (Bethlehem: Lehigh University Press, 1994), p. 313, and, to a lesser extent, Jean Baker, “From Belief into Culture: Republicanism in the

Jacksonian Democrats and National Republicans, the former rejected this nationalist agenda on the grounds of inexpediency, unconstitutionality, and inequity. With the resurgence of opposition politics came a resurgence of the old opposition rhetoric. John M. Murrin has stressed the continued importance of classical republicanism to the political debates of this period: the rhetoric of corruption was “so overwhelming that it became difficult to discuss public questions in any other language.” But it was not merely “rhetoric,” if such a term implies a device used to persuade only in the absence of belief or truth. For Murrin, the classical republican ideology that gave birth to this rhetoric was never relinquished: “The momentum of this rhetoric accelerated from the dynamic assumption that there is a *people* as well as a common good, and that the people can identify that common good and defeat corrupt individuals and groups set on undermining it.”⁹ Murrin is astute in observing that republican ideas remained crucial in this period and in identifying the “dynamic assumption” on which those ideas rested. However, the nature of that assumption did not remain static; it had changed since its initial formulations at the hands of Aristotle, Polybius, Niccolò Machiavelli, and James Harrington. Statesmen had no apparent difficulty utilizing the familiar rhetoric even as they possessed conceptions of man and society that were fundamentally at odds with the assumption on which that rhetoric was based.

Republicanism is fundamentally a polity-focused body of ideas—in the strict Aristotelian sense of idealizing a mixed government blending elements of monarchy, aristocracy, and democracy, and also in the looser sense of being focused on the political

Antebellum North,” *American Quarterly*, 37 (1985): 532-550, especially p. 534, who finds “venting” of republican sentiments sparse and without conviction.

community. Liberalism, on the other hand, is not a body of thought necessarily committed to a particular form of government; it became entrenched in both the limited monarchy of Great Britain and the democratic federal republic of the United States. Further, liberalism is much more concerned with the individual than the community. Whereas republicanism is fundamentally concerned with the individual's duties to the state, liberalism asserts that the individual has inherent rights that the state cannot transgress. Indeed, the social compact was formed and the state created only to protect these fundamental rights. Liberal thought is much more concerned with freedom from government interference than with the essential republican freedom to act politically. Far from demanding a subordination of private interest to the common good, as republicanism does, liberalism establishes one's private pursuits as that individual's greatest good. Not only is it unrealistic to believe that individuals will act in opposition to their self-interest or to believe that some transcendent common good will be recognized and pursued, but liberal thought declares that the free competition of private interests will result in the common good, the one good agreed upon by the most people—the will of the majority. But these are distinctions imposed by the historian. As Lance Banning has written, “Logically it may be inconsistent to be simultaneously liberal and classical. Historically it was not.”¹⁰ It is possible to believe that the state was formed in social contract by people with inherent rights, to believe that the state was capable of corruption, and to believe that a virtuous people was necessary to sustain the state that protects the rights of individuals.

⁹ John M. Murrin, “Escaping Perfidious Albion: Federalism, Fear of Aristocracy, and the Democratization of Corruption in Postrevolutionary America,” in Matthews, ed., Virtue, Corruption, and Self-Interest, p. 104.

Yet American values and concerns were becoming more fully liberal in the age of Jackson. But it is significant that statesmen continued to frame their debates in terms inherited from the classical republican tradition. Sean Wilentz suggests that in stressing the republican assumption that social disorder was caused by political corruption, “the parties sealed their political identities.” Those who embraced the market revolution were inclined to interpret the republican system of government as the “natural” form of a capitalist polity, where individualist pursuits were unrestrained. Those who felt threatened associated the changes in society and economy with a decline in their independence and self-government, and thus with the decay of the Republic.¹¹

It should not be surprising, then, that use of republican rhetoric was not confined to a single opposition party; both Democrats and Whigs, when in power and when they were not, made use of this discourse. Daniel Walker Howe has suggested that Democrats feared economic change and Whigs political modernization.¹² Each party grasped separate strands of the already frayed republican tradition to articulate these fears and solutions to them. Whigs emphasized a hierarchical social structure and pursuit of the general good and were committed to using the political wisdom of the past. Democrats, on the other hand, most clearly articulated classical fears of corruption and a desire for the restoration of the republican virtues that had existed in an idealized Jeffersonian era.¹³

¹⁰ Lance Banning, “Jeffersonian Ideology Revisited: Liberal and Classical Ideas in the New American Republic,” William and Mary Quarterly, 3d Ser., 43 (1986): 3-19.

¹¹ Sean Wilentz, “On Class and Politics in Jacksonian America,” Reviews in American History 10 (Dec., 1982): 45-63, quote, p. 57.

¹² Daniel Walker Howe, The Political Culture of the American Whigs (Chicago: University of Chicago Press, 1979), p. 76.

¹³ Most valuable to a republican interpretation Jacksonian politics are Wilentz, “On Class and Politics;” Marc W. Kruman, “The Second American Party System and the Transformation of Revolutionary Republicanism,” Journal of the Early Republic, 12 (1992): 509-37; and Harry L. Watson, Liberty and Power: The Politics of Jacksonian America (New York: Hill and Wang, 1990). For books that trace the classical republican influence only to the Whig party, see, Howe, Political Culture of the American Whigs

Whigs, their Anti-Mason allies, and Democrats, conservatives and reformers, invoked versions of the classical republican tradition and appealed to the lessons of antiquity. Democrat Thomas Earle of the county of Philadelphia could declare that the people would revise the constitution in the “manner most conducive to the public weal.” “To get rid of an extravagant government and its corruptions” was the main object of the founders; the next moment he was demanding the convention answer what was the “tenure of office and mode of election in Athens, Lacaedaemon, Rome, Carthage, &c.”¹⁴ The opposition could answer in equally ancient and vivid imagery. Thaddeus Stevens, of Adams, chose to invoke Lycurgus, the lawmaker of Sparta. In a recitation of a legend that was surely familiar to many in the convention, Stevens reminded the delegates that after making laws that protected the polis from tyranny, Lycurgus exiled himself from the city. Before he departed, he made the Spartans vow to abide by the laws until he had returned. But this was never to be. In an astonishing act of civic virtue, Lycurgus sacrificed his life, ordering soldiers to follow, burn him, and scatter his ashes to the wind, lest a “reformer” carry back his corpse. The laws would remain inviolate, the Spartans obedient. In that spirit, Stevens boomed that he would not change the Constitution or listen to the reformers even “if they had the head and the heart of LYCURGUS.”¹⁵

Jean Baker has called republicanism in the 1830s as anachronistic and superfluous “as powdered wigs and knee britches.”¹⁶ Perhaps so, if that body of ideas had remained static, but it did not. The delegates to the convention were heirs to a tradition that had

and Diggins, Lost Soul of American Politics. Contra this stance, Lawrence Frederick Kohl, The Politics of Individualism: Parties and the American Character in the Jacksonian Era (New York: Oxford University Press, 1989), has argued that it was the Democrats who were the primary legatees to classical republicanism.

¹⁴ Debates, I, p. 186; p. 190.

¹⁵ Ibid., p. 429.

¹⁶ Baker, “From Belief into Culture,” p. 535.

long been adapted to meet whatever concerns were pressing at the time of its summons. A body of ideas that was “already half-obsolete, half-fanciful when first adopted” could only continue to speak to successive generations “through a casual blurring of original distinctions and misapplication of originally compatible ideas to increasingly divergent phenomena.”¹⁷ This “casual blurring” has so exasperated one historian that he has declared that older republican concepts in antebellum society “deserve a new nomenclature.”¹⁸ But this would be unfair to those delegates in the convention who used the only nomenclature with which they were familiar. In Pennsylvania, at least, republicanism proved a malleable enough tradition to speak to new values and fears, and the delegates to the constitutional convention continued to think within its bounds, transformed though it was almost beyond recognition.

There had been intermittent popular agitation for constitutional reform in Pennsylvania practically from the moment the state’s radical 1776 constitution had suffered revision in 1790, creating a government that was, in the opinion of many, too strong and too remote from popular influence. Hopes for reform were focused on the curtailment of the appointive power of the governor, as well as a shortening of his term and restriction of his eligibility for re-election; the abolition of life tenure for judges; making local offices, such as justices of the peace, elective; an extension of the suffrage; a limitation on legislative power to borrow money and to grant charters; and the establishment of a regular amendment process. These appeals were not successful, however, until the 1834-35 session of the legislature, when the General Assembly

¹⁷ Rowland Berthoff, “Independence and Attachment, Virtue and Interest: From Republican Citizen to Free Enterpriser, 1787-1837,” in Richard L. Bushman et al., ed., Uprooted Americans: Essays to Honor Oscar Handlin (Boston: Little, Brown, 1979), p. 107.

¹⁸ Watts, Republic Reborn, p. 298.

received an “unusual” number of petitions and remonstrances. The Assembly responded, with the governor’s approval, by calling a referendum, asking the people to vote either for or against a constitutional convention in the October election of 1835.¹⁹ Although twenty-one of the state’s fifty-two counties opposed the convention, the people of the state sanctioned it by a vote of 86,750 to 73,166.²⁰ This is a strikingly slim margin when one considers that more than 38,000 voters who cast ballots for the governor at that same election registered no vote on the question of the convention.²¹ Apparent apathy or not, the legislature set the date for the election of delegates at the first Friday in November, 1836, with the convention set to meet in Harrisburg on May 2, 1837.

The 1837-38 convention was a rather impressive collection of Pennsylvania’s political talent. Its ranks included nine men who had represented Pennsylvania in Congress in the past: Charles Augustus Barnitz, Harmar Denny, Walter Forward, William Hiester, Joseph Hopkinson, Charles Jared Ingersoll, Joel K. Mann, Thomas Hale Sill, and John Benton Sterigere. There were also five men elected to the convention who would in the future go on to represent the commonwealth in the United States House of Representatives: Charles Brown, John Dickey, Thaddeus Stevens, George Washington Woodward, and Ingersoll again. Walter Forward also went on to become one of three convention members to hold a federal cabinet position and was a Charge d’Affaires to Denmark. Forward and William Morris Meredith were named Secretary of the Treasury during the administrations of John Tyler and Zachary Taylor respectively. John Tyler

¹⁹ Roy H. Akagi, “The Pennsylvania Constitution of 1838,” Pennsylvania Magazine of History and Biography 48 (1924), 301-33; quote and statistic on p.310.

²⁰ Marguerite G. Bartlett, The Chief Phases of Pennsylvania Politics in the Jacksonian Period (Allentown: H.R. Haas, 1919), p. 121.

²¹ Charles McCool Snyder, The Jacksonian Heritage: Pennsylvania Politics, 1833-1848 (Harrisburg: Pennsylvania Historical and Museum Commission, 1958), p. 99.

also appointed another former convention delegate, James Madison Porter, his Secretary of War, though Porter and Forward were not in cabinet at the same time. The convention also furnished another future diplomat: Hezekiah Gold Rogers was named the first Charge d'Affaires to Sardinia.²² Rounding out the list of the convention's notables were two future chief justices of the Pennsylvania Supreme Court: Daniel Agnew and George W. Woodward. The convention proved to be the first political steps for men such as Agnew and Woodward and Rogers, the first two only twenty-eight when the convention convened, and Rogers a mere twenty-six. For others, such as the old Federalist and author of "Hail Columbia!" Joseph Hopkinson, the convention marked a final duty to the people after long political careers — Hopkinson would pass away four short years after the convention adjourned.

The election of delegates provides an effective snapshot of Pennsylvania politics at this time. It resulted in the selection of sixty-seven Democrats and sixty-six members of the opposing Whig and Anti-Mason coalition. The Democratic majority was short-lived, and a special election required by the untimely death of a Democratic delegate resulted in the victory of an Anti-Mason and a reversal of the balance.²³ This change of fortune foreshadowed the disappointment that Democratic reformers would suffer

²² Unfortunately, he became insane shortly thereafter. See Harold D. Langley, "The Tragic Career of H. G. Rogers, Pennsylvania Politician and Jacksonian Diplomat," Pennsylvania History, 31 (1964): 30-61.

²³ Syder, Jacksonian Heritage, p. 102. However, Snyder notes that after the 1835-36 session of the legislature, in which Anti-Masons were humiliated in a failed House special committee investigation into Freemasonry, and Whigs asserted their primacy in the nomination of their presidential candidate (William Henry Harrison) and in the passage of the state charter for the United States Bank, the demise of the Anti-Masonic party as a political force was nearly complete, pp. 72-81. Thaddeus Stevens, the leader of Anti-Masonry in Pennsylvania, himself acknowledged the minority status of the party within the coalition following the failed House investigation. See Frank Gerrity, "The Masons, the Antimasons, and the Pennsylvania Legislature, 1834-1836," Pennsylvania Magazine of History and Biography, 99 (1975): 180-206. Useful overviews of the politics of the Keystone State in this period can be found in Snyder, Jacksonian Heritage and Bartlett, Chief Phases of Pennsylvania Politics, as well as Ann Marie Dykstra, Region, Economy, and Party: The Roots of Policy Formation in Pennsylvania, 1820-1860 (New York: Garland, 1989).

throughout much of the convention. The Whigs wasted little time capitalizing on their majority, electing the convention's president, its officers, its committees, and even its recorder. In the end, the convention sat for nearly seven months, with few substantial changes to show for it.

CHAPTER I

EDUCATION

“The importance of a general diffusion of education cannot be too highly estimated. Every thing valuable to our republican institutions and in the constitution itself, depended upon it.”¹ Phineas Jenks, a delegate from Bucks County, offered no explanation or even elaboration of his assertion, and no other delegate demanded one from him. The necessity of an informed citizenry had always been a crucial tenet in republican political theory, and it remained so in Jacksonian America. Not surprisingly, both Whigs and Democrats alike extolled the virtues of education, never opposing the idea of an educated populace, simply various proposed implementations of that idea. The convention’s Whigs were the more frequent champions of popular education, defending it by stressing the necessity of a citizenry educated for political activity and moral rectitude. Democrats too supported certain measures, often emphasizing the importance of education for social equality and rejecting Whig proposals that seemed designed to impose a moral order by constraining men’s minds.² But however much the convention

¹ Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, to Propose Amendments to the Constitution, commenced and held at Harrisburg on the second day of May, 1837, reported by John Agg, 13 vols. (Harrisburg: Packer, Barrett, and Parke, 1837-39), V, p. 243. [Hereafter cited as Debates]

² Richard Brown contends that by the mid-nineteenth century arguments for educating the citizenry were diversifying, no longer centered entirely on molding virtuous republican citizens. See Richard D. Brown, The Strength of a People: The Idea of an Informed Citizenry in America, 1650-1870 (Chapel Hill: University of North Carolina Press, 1996). While in the convention some Whigs did allude to personal morality and some Democrats to social equality, still the majority of arguments used in the Pennsylvania convention grew out of the republican tradition. This is not necessarily surprising when one considers that this republican heritage was the common ground between the parties. Since education was an ideal in

seemed united on the importance of education in a republic, they could not and would not establish a system that made education compulsory. Due mainly to the ultra-slim margin separating the two parties as well as a broad-based reluctance to create a compulsory statewide school system, Article VII, Section 1 remained unchanged in the 1838 constitution: “The legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the State, in such manner that the poor may be taught gratis.”³

In 1834 the Pennsylvania General Assembly almost unanimously passed a bill, signed by Governor George Wolf, that created a free, tax-supported, statewide system of public education. The acceptance of this system was left to local option. Although at the time the bill passed it was a non-partisan issue, the measure gained political significance in the German counties, where the idea of taxation for education met considerable protest. When the legislature convened for their next session, they found a flood of petitions for repeal. A repeal bill passed the Senate by a large margin, and only an impassioned defense by the young Anti-Mason Thaddeus Stevens saved it from a similar fate in the House.⁴ Many in the convention thus thought consideration of Article VII, Section 1 was unnecessary since the legislature had already created a system of education that could be approved or rejected at local discretion. Others thought that the state’s fundamental law should acknowledge the duty of the commonwealth to provide for just

republican thought, those delegates looking to gain support across party lines would appeal to this common ground rather than use arguments that could be construed by their opponents to support intellectual constraint or economic or social leveling.

³ Francis Newton Thorpe, ed., The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the States, Territories, and Colonies, now or heretofore forming the United States of America, vol. V, (Washington: Government Printing Office, 1909), pp. 3099 and 3112.

⁴ See Charles McCool Snyder, The Jacksonian Heritage: Pennsylvania Politics, 1833-1848 (Harrisburg: Pennsylvania Historical and Museum Commission, 1958), pp. 51-3.

such a system as the legislature had enacted, thus protecting the system from mere legislative repeal.

From the city of Philadelphia, James C. Biddle pronounced that education demanded consideration above all other subjects, “for on that must depend the capacity of the people to promote the good of the country and their own happiness.”⁵ Thomas H. Sill of Erie expressed similar beliefs. Education fitted the individual “for entering upon the duties of life, profitably to himself and to society” and more specifically enabled one to “discharge the duty of an American citizen.”⁶ It is unclear what Sill means by “profitably,” whether he is using it in the traditional sense, meaning “with advantage” or in the more modern usage of “with pecuniary profit,” but in either context education, for Sill, prepared one for a useful existence. It not only prepared him to be successful in a world becoming more financially complex but also taught one the industriousness necessary for political vigilance, individual morality, and perhaps even economic gain. If a citizen was financially successful, that person possessed the economic independence necessary for virtuous political action. Biddle and Sill illuminated the dual functions of education, both communal and individual, in the minds of the convention’s, and, more broadly, the nation’s Whigs. Education prepared one to act in politics, the market, and civil society not only through literacy and numeracy but also by fostering discipline, allowing the student to cultivate reason over the passions. Such hierarchical balance allowed virtuous action in both the public and private spheres. To Whigs, a well-educated individual had been properly prepared both to achieve material prosperity and to

⁵ *Debates*, V, p. 187.

⁶ *Ibid.*, pp. 201,203.

pursue the common good.⁷ In the minds of Biddle and Sill, as in the mind of Jenks, the preservation and the pursuance of the commonwealth demanded an educated citizenry, and Biddle and Sill worked to create one. Biddle was the longtime secretary of the University of Pennsylvania Board of Trustees and Sill was a director of the Erie Academy.⁸

Because of this connection between education and citizenship, several Whig delegates observed that it was the responsibility of government to provide the means of creating an educated citizenry. Walter Forward of Allegheny, who attended common schools in Connecticut, declared, “all governments were in duty bound to see that the people were educated. It was a sacred duty which the government owed to the people.”⁹ Sill warned against the threat of the “uneducated and comparatively useless citizen.” As a result, education “was a duty [of the government] because it was one of the most effective means of providing for the defence of the country, and the safety of republican institutions; and it is a more important duty, in a country like ours, where the government is republican, and where it is necessary for every citizen to understand its principles in order to appreciate its blessings.”¹⁰ Sill’s emphasis upon the defense of the state is not surprising; he was a member of the Minutemen of the State militia. What is significant is that even a militia member realized that the best defense of the commonwealth lay not in martial drill, but in mental and moral training.

⁷ This reading was heavily influenced by Daniel Walker Howe, The Political Culture of the American Whigs (Chicago: University of Chicago Press, 1979) and Lawrence Frederick Kohl, The Politics of Individualism: Parties and the American Character in the Jacksonian Era (New York: Oxford University Press, 1989).

⁸ On Sill, see Biographical Congressional Directory: With an Outline History of the National Congress, 1774-1911 (Washington: Government Printing Office, 1913), p. 997.

⁹ Debates, V, p. 313.

¹⁰ Ibid., p. 346.

Thaddeus Stevens, of Adams, elaborated, describing education as “a matter of public right—a matter of public morals—of public justice. . . . It is a duty which the government of every republic should discharge, to its citizens, as an act of internal policy, and as a means of preserving and perpetuating free institutions.”¹¹ Though he was an Anti-Mason at the time of the convention and was soon to give his allegiance fully to the Whig party, the first part of Stevens’ statement sounds almost Democratic in tone: Education is the right of the citizenry and an obligation that the state has to its members, a right that does not seem to exist with any preconditions. “Public morals,” however, reflects a more typical Whig defense of education. In the minds of Whigs, education was seen as a way to improve morality. Education cultivated reason over the passions, and in so doing stemmed vice. If individual faculties were balanced, then individuals in society would conform to the natural hierarchy that Whigs envisioned—public justice in the classical sense. In this way, education was the best way to preserve a well-functioning polity, and thus support for education was a matter of internal policy.

It was not a Whig but a Democrat who gave the most lucid explanation for why education was necessary for the maintenance of a republic.¹² Representing Northampton and Monroe, James M. Porter explained: “It is the ignorant, the illiterate and the uninformed of your land, from whom danger is to be apprehended—it is such men whom your demagogues can mould to their own particular ends.” With such a pronouncement Porter evoked a traditional republican fear. Free government was always vulnerable to

¹¹ Ibid., p. 308.

¹² Albeit one who has been described as “conservative.” See Jean E. Friedman and William G. Shade, “James M. Porter: A Conservative Democrat in the Jacksonian Era,” *Pennsylvania History*, 42 (1975): 188-204. Friedman and Shade suggest that although Porter began his career as a National Republican and though he held largely older ideals of society and political economy that favored government-supported internal improvements, because he was an adhering Mason, his political fortunes drifted toward Democracy and away from Pennsylvania’s Anti-Mason-Whig coalition.

peril from within, notably, silver-tongued demagogues mobilizing swarms of uninformed voters to achieve personal goals at the expense of the commonwealth. Worse than useless, Porter's uneducated citizen was prone to politicians with ill designs, and as such was himself dangerous to the republic. But Porter's caution was not without hope, for it was possible to shape a citizenry that would be immune to the overtures of such men:

When the minds of men are intelligent, when general information is spread abroad over the land, when your entire community shall know and understand their rights—and shall appreciate because they know and understand them—they are not likely to be deceived. They will read, and think, and act for themselves, and the greater the extent of the education which you can give, the better will it be for the liberties of the country, and the more sure will be the prospect that those dear and sacred liberties will be transmitted unimpaired to our children.¹³

Porter here makes explicit the tie between education and the preservation of the republic. With education comes independent thought, and the implication is that only with such independent thought can civic virtue be truly exercised and the common good properly pursued. This was a belief that Porter made tangible by being instrumental in the founding of Lafayette College in Easton, Pennsylvania in 1826. He also went on to attend the Pennsylvania State Convention to Promote Common School Education in 1850.¹⁴

Thomas Earle gave the most articulate expression of the grounds Democrats usually utilized in supporting education. Earle, who attended common schools in Massachusetts, thought the subject was “of the highest importance” to anyone engaged in politics “who desired to provide for the happiness and political equality of every member of the political community—equality in their social condition—equality in their pecuniary condition.” Because of the emphasis on the ideal of material equality, Earle

¹³ Debates, XI, p. 208.

¹⁴ Friedman and Shade, “James M. Porter,” p. 200.

did not think that even laws offering schools at the public expense went far enough. He emphasized the importance of education, but to realize the spirit of this proposition, he thought the state “should also provide books at the public expense. Any system that does not provide for all this is imperfect; without it the children of the poor cannot obtain education like the children of the rich.”¹⁵ For most Democrats, education was seen as a means to further democratization, a means for the common man to pull himself even with would-be aristocrats. Although Earle’s concrete proposals for absolute equality went no further than education and books at the public expense, this very fact suggests the primacy of education to Earle in determining one’s social and financial condition.

Whigs, on the other hand, were repulsed by such vulgar uses for education. Education was not a tool for democratic leveling, but an institution that would foster the natural hierarchy plainly existing in society. John Chandler, a Whig from Chester, illustrated one facet of this mode of thought in declaring that schools created “men capable of filling high places in your government, and men capable of standing on this floor to dictate laws to their fellow citizens. . . . Let all children in the commonwealth receive a proper education, so that all may be competent to participate in our republican government.”¹⁶ While delegates such as Porter stressed the importance of education in creating an informed citizenry, Chandler stressed the importance of education in creating statesmen, men who could see above private interest and local attachment. With a broad-based system of education, a greater number of Pennsylvania’s citizens would be qualified to exercise the rigorous duties of statesmanship, duties that were distinguished in the Whig mind from the actions of mere politicians. Because of the fundamental

¹⁵ *Debates*, V, p. 217; XI, p. 154.

¹⁶ *Ibid.*, p. 197.

importance Chandler attached to education in preserving republican political institutions, he “would *almost* be willing to make it obligatory on parents to send their children to school.”¹⁷ Even with the fate of the commonwealth entirely dependent on an educated populace, still legislators would not transgress the bounds of parental conscience or finance.

Indeed, only one delegate proposed a system whereby education would be required, and surprisingly it was a Democrat, Charles J. Ingersoll of the county of Philadelphia, a delegate who previous to the convention had been an “active spirit” in the Society for the Promotion of Public Schools.¹⁸ Ingersoll suggested much more than simply a revised version of the article already in place, though. His proposed first section of the seventh article read: “The legislature shall provide by law for the immediate establishment of common schools in school districts of every county of the state, wherein all persons may receive instruction at public expense, at least three months in every year, in the English and German languages, as may be by law directed.” As he explained, his “great object was to lay a broad and deep and permanent basis of *compulsory* education.”¹⁹ Although many delegates dismissed Ingersoll’s amendment as merely an attempt to court the state’s sizable German population in an anticipated run for the governorship, several detected and objected to two discernable ideas that underlay the proposal. Democrats objected mainly to the idea of a compulsory system of education, whereas Whigs were concerned primarily with a system that allowed for education in different languages.

¹⁷ Ibid. [emphasis my own.]

¹⁸ Snyder, *Jacksonian Heritage*, p. 52.

¹⁹ *Debates*, V, p. 188 [emphasis my own].

John Dickey, a Whig from Beaver, cautioned the convention, “if we ever expect to root deeply this system in the affections of the people, we must make the system voluntary,” otherwise it might not be used, or if so, “with reluctance and suspicion.”²⁰ Even the German portion of the population, to whom the amendment was certainly directed, preferred a system of private education to one that created districts in which schools must be built and funded by taxpayer money. Representing the counties of Somerset and Cambria, Anti-Mason Joshua F. Cox echoed Dickey in emphasizing that not all districts wanted common schools to be established: “It would make the whole system of school education unpopular and deprive us of those rights, and that degree of liberty in such matters which every free people claim and are entitled to.”²¹ Joseph Fry, a delegate from the predominantly German Lehigh county, articulated the most definitive statement against a mandatory system of education: “It is not possible to force education on the people. . . . The people would educate their children as they pleased, when they spent their money for that object; and if any thing compulsory on the subject should be introduced into the constitution, they would not adopt it. They would reserve the right to educate their children according to their own pleasure.”²²

Seeing that there was complete resistance to the compulsory aspect of his proposed amendment, Ingersoll did not attempt a sustained defense of it, choosing instead to emphasize the option of either German or English being taught. If there was any publicly funded school system, the residents must be allowed to choose what is instructed. Ingersoll asserted that “there was no country in the world where there were not two or more languages co-existing,” and contended that English and German would

²⁰ Ibid., p. 245.

²¹ Ibid., p. 265.

“exist very well together. . . . Both might be cultivated with great advantage to the service of the country.”²³ His defense was deeper than mere practical-minded predictions, however. Ironically, in light of his previous avowal of compulsory education, he questioned how a republic could justify not giving a large portion of its citizens the option to educate their children in any way they thought proper. “It is not right—it is not consistent with our system of government—it is not tolerant—it is not politic—it is not just, that we should refuse to give the broadest option to one-third of our own people to learn any other language which they may think proper to learn.”²⁴

Charles A. Barnitz, a Whig from the predominantly German counties of Lancaster and York agreed, calling any law that demanded German support of English schools “an innovation, and an interference with their religious and civil liberties.”²⁵ In this way, the traditionally Whig-allied Pennsylvania Germans disagreed with their fellow conservatives in the convention, and indeed, struck a Democratic note in seeing education, as it would be imposed by Anglo-Saxon Whigs, as constraining. As Ingersoll exhorted, “making Germans pay for English public schools they do not use is exactly like requiring the Irish catholics to support the protestant church.”²⁶ Such statements bring to mind the ideas of English Dissenters. As James Burgh, their most influential schoolmaster wrote, “there could be no imposition more tyrannical, than to oblige parents to have their children educated in a manner they disapproved of.” Indeed, any required mode or substance of instruction “would open a door to complete religious tyranny, and

²² Ibid., pp. 273-74

²³ Ibid., p. 189.

²⁴ Ibid., p. 259.

²⁵ Ibid., p. 271.

²⁶ Ibid., p. 279.

would destroy freedom of enquiry.”²⁷ Anything that threatened freedom of enquiry threatened the future of the commonwealth, for without it there could be no supervision of the government. Without supervision, a government was left free to usurp any powers they might choose, at the expense of its citizens’ rights. This was the danger that Ingersoll and Barnitz clearly perceived.

English-speaking Whigs were not swayed by such arguments. Although they granted that parents could of course choose to educate their children in any way they saw fit, many Whigs articulated a view of the role of public schools that would not allow such a school to teach the German language. John Chandler, the Whig from Chester County, thought the people of any given district or county were competent to establish any type of school or curriculum they wanted, yet he “would have the rich and the poor, the learned and the unlearned, taught in our language. The Saxon, the Russian, the French and the Irish, when they come among us, should come into our language as well as into our country. It was their duty to themselves and to the state, that they should make themselves acquainted with that language.”²⁸ The main thing the reader notices here is Chandler’s insistence that the republic be unified in language and the responsibility of the immigrant to conform to that demand. Chandler offers a clue as to why this duty is imperative later in the debates. Education gave “to every man the power to read the constitution of the state in which he lives, that he may look to it as his light and guide of his steps in political life.”²⁹ But one could use the constitution as a “light and guide” without knowing English; it was printed in German as well. The duty of the immigrant, a duty to the state as well as himself, lay in preserving the cultural homogeneity that was

²⁷ Quoted in Brown, *Strength of a People*, p. 31.

²⁸ *Debates*, V, p. 195.

essential to the republic's health. If Chandler thought in purely liberal terms, he would not have believed that citizens had obligations such as this to the state. The only obligation he would have been likely to recognize was that of the state to protect the rights of its inhabitants. Language that acknowledges obligations to the state in exchange for the rights a state accords implies a republican emphasis on the polity as well as the citizen.

But why was there such an emphasis on the importance of a single language?

John Sturdevant offered one explanation:

All the proceedings of the courts are in English; all the public records are in the same language; and all who seek to rise must understand English. They may also understand German, but they must acquire the language of the country in which they are residents. However attached we may feel to the German language, English must be the prevailing language of the country.³⁰

To Sturdevant, practically speaking, any resident of the state who wished to or had to participate in the legal affairs of the commonwealth, would not understand the proceedings unless that person was familiar with the English language. The imperative character of his last sentence suggests something more. Why must English be the one prevailing language of the commonwealth unless something was to be feared by the alternative? Thomas S. Cunningham, a Democrat from Mercer County, shed some light in stating that "we ought to have a sort of national character, and we ought no longer to be divided into separate races and by distinct languages, and habits."³¹ Would citizens who lacked a common language and common values pursue the same idea of the common good? Even if they would, could they?

²⁹ Ibid., XI, p. 142.

³⁰ Ibid., V, p. 272.

³¹ Ibid., p. 234.

Ephraim Banks, representing the counties of Union, Mifflin, and Juniata, thought that schools in any given district should teach whatever language the residents of that district desired, but he did not think that any such distinction should be recognized in the commonwealth's fundamental law. "The majority will rule, and it is right and proper that they should, whether in a district, county, or a state," Banks declared, but never should the constitution give the impression that "there are two distinct races of men in our commonwealth."³² This is a fascinating remark that sheds light not only on the Pennsylvania constitution of 1838 but also offers a further explanation as to why slavery is never explicitly mentioned in the federal constitution drafted in 1787. To acknowledge that there are two distinct communities within a republic's bounds is tantamount in republican thought to acknowledging the impossibility of a true common good that will be pursued by all of the republic's citizens. Even when that common good is defined in the modern liberal way as the will of the majority, still republican fears of the consequences of that good not being pursued gripped the convention.

The most complete articulations of this line of thought in the Pennsylvania convention were offered by Sill and William Hiester, an Anti-Mason from the strongly German counties of Lancaster and York. Sill warned against placing anything in the constitution that would indicate that the opinion of the commonwealth was that "there are, and ought to be two languages and, in some degree, two communities of people kept for all time to come, in the commonwealth of Pennsylvania." In his opinion, "the whole people of the state should be amalgamated as soon as that end could possibly be accomplished, and that they should be made one people in sentiment—in principle—in

³² Ibid., pp. 231-32.

language.”³³ Fearing a situation like the one that existed in Louisiana, where half of the population spoke English and the other half French, William Hiester hoped “to see the day when the people of this commonwealth will not be distinguished by the title of German and English, and when we shall be known only by the common title of Pennsylvanians.” But Hiester, who attended common schools in Pennsylvania, did not stop there, he went on, revealing a philosophy concerning public education akin to that of the nation’s Whigs. “I think that the German language should be merged. I think that it would be better for the interests and happiness of our citizens, and that we should do all that we can to draw the bonds of union closer, and to make them one people in language, in manners, in customs, and in feelings.”³⁴ To Whigs, public education was seen as “acculturative.”³⁵ With increased immigration, and with it, an increased presence of people who were not possessed of the same cultural background, American Whigs came to see in the nascent public schools a chance to inculcate the young in this very cultural heritage, thus revealing even more clearly why it was the duty of the state to foster such a system. In addition to the basic literacy and numeracy necessary for political participation and personal prosperity, without the cultural homogeneity that the public schools were designed to create, the commonwealth could not be pursued and thus the republic could not be sustained. As we shall see, fear of a heterogeneous republic would be expressed elsewhere in the debates as well, manifesting themselves in the heated debates over the state’s franchise.

³³ Ibid., p. 202.

³⁴ Ibid., pp. 281.

³⁵ I borrow the word from Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983), p. 36. Howe expresses similar ideas about education in the mind of American Whigs in *The Political Culture of the American Whigs* as does Kohl in *The Politics of Individualism*.

CHAPTER II

SUFFRAGE

“The laws which establish the right of suffrage are fundamental to a democratic Government. . . . It is the very foundation upon which we are to rebuild the political fabric. Determine into whose hands you will trust the right of suffrage, and you fix at once, the controlling and sovereign power of the community.”¹ Though a Democrat, H. Gold Rogers of Allegheny spoke the sentiments of the Pennsylvania constitutional convention as a whole. Filling almost five hundred pages of the convention journal, the debates over the franchise were among the lengthiest and most heated of the entire proceedings. The question at hand was no less than who were to be full members of the state’s political community.

Whigs, who were in control of the coalition that enjoyed a slight majority, sought to retain the state’s tax qualification and residency requirements and defended the right to vote of all persons who met these criteria. Conversely, the commonwealth’s Democrats ardently opposed tax qualifications and lengthy residency requirements, while at the same time demanding that Pennsylvania’s franchise be limited to her white population. Members of the two parties often held far different conceptions of what constituted a good government and a good society, and in expressing their political and social ideals

¹ Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, to Propose Amendments to the Constitution, commenced and held at Harrisburg on the second day of May, 1837, reported by John Agg, 13 vols. (Harrisburg: Packer, Barrett, and Parke, 1837-39), II, p. 473. [Hereafter cited as Debates]

and fears, both parties drew upon contrasting elements of the republican tradition. Whigs emphasized the necessity of voters having a common interest in the community, invariably demonstrated by the ownership of property; Democrats denounced such requirements as aristocratic pretensions and articulated a widespread fear of losing the homogeneous community that alone sustained the commonwealth. In the end, Whigs were able to retain the tax qualification that they so desired, and they compromised with the opposition to cut the state's residency requirement in half. Their majority was not in all cases cohesive, however. Fearing the consequences of a heterogeneous political community, many Whigs allied themselves with Democrats to disfranchise the state's entire free black population.

No sooner had discussion of the state's franchise begun, than one delegate moved to insert "male white citizen" in place of "freeman" in that section of the constitution which concerned voting requirements.² Few were willing to discuss the question of race at this early moment, however, and the debate quickly turned to the tax qualification. Rogers called the tax requirement "wholly inconsistent with the spirit of equality" and "a relic of that property qualification, which has been deemed in all ages, by the privileged class, so powerful a chain to bind and restrain the people." He quickly denounced the republican heritage that he was sure Whigs would use to defend the tax. The association of voting with property "had its origins in the fanciful visions of the early theoretical writers upon Commonwealths, who wrote, like Harrington, in the first struggles of liberty with tyranny, with no examples before him of free republics, but those drawn from ancient history, and with no impressions but those derived from the circle of licentious

² John B. Sterigere (Democrat-Montgomery), in *Debates*, II, p. 472. Article III, Section 1 lists the requirements of voters in both the 1790 and 1838 Pennsylvania constitutions.

courts.” He contrasted such ideas with the democratic thought of other writers, “those noble sentiments of natural freedom and natural equality, espoused by Locke, defended by Milton, and sealed with the blood of Sidney.”

After Rogers discredits the work of Harrington, he invoked another figure of the civic humanist pantheon to validate his argument. “Some one has said—I think the sentiment commonly attributed to Machiavel—that no Government can long continue free unless by a frequent recurrence to first principles.” For Rogers, the “first principles” were not codified in the Constitution of 1790, or even in that of 1776; they could not be if he was to press his claim, since each of those documents contained the hated tax qualification. The “first principles” were to be found at the moment society was formed. Suffrage is “that expression of will by which man signifies his disposition to enter into the social compact—and to institute Government. It is by that also he manifests his assent or dissent to the measures of that Government.” Because of this, suffrage is a natural right, “for by the exercise of it alone, can man pass from a state of nature into the social compact.” Returning to his fundamental point, Rogers asked, “does property, merely, elevate the character of an individual? Does it brighten the intellectual vision, or fit the possessor in any degree for the better discharge of the duties of a citizen? . . . What greater stake can any one have in Government than he, whose life, liberty, and happiness, are at the disposition of the laws?”³ Expressions of voting as a natural right were far from orthodox in the convention, for only one other speaker made the claim (all others agreed that voting is a political or legal right, granted by society; the disagreement was over who would be granted that right). Yet even in hyperbole, Rogers advanced the position of the Democrats in the convention and fired a preemptive strike against the

opposition's ideological arsenal, attacking all of the terms upon which he knew the Whigs would defend the tax. In addition, Rogers's speech illustrates the continuing presence of classical republican ideas in the convention, structuring the arguments even of those resisting their influence.

An Anti-Mason, Joshua F. Cox of Somerset, echoed the Machiavellian sentiments of Rogers: "Let gentlemen revert to first principles, and see how it could possibly be that the right of taxation should precede that of suffrage." Like his colleague, however, the "first principles" that he invoked were not truly the first principles of the Pennsylvanian, or American, republic, and thus cannot be said to be Machiavellian, or classical republican, in any true sense. Instead, he told the convention to suppose a community coming together to establish laws and appoint rulers, "as was done in ancient times at Athens." "In fixing the rate of taxation among themselves, they would, of course, adopt the principle that every one should pay according to his means, towards the support of his Government. The inability of one man to pay as much as another, would not at all affect the right to a share in the Government which he assisted in erecting." Thus, "according to every principle of natural right and natural justice, the right of voting took precedence of taxation."⁴

The Whigs dissented from this interpretation of American "first principles." Richard E. Cochran of Lancaster had lived through the "twilight dawn of our democratic representative institutions," and thus knew that the tax qualification "was the foundation of our liberties." How could it be called aristocracy? "Strike this feature from the fundamental law, and you knock down one of the pillars of our institutions." He

³ Ibid., pp. 473-474.

⁴ Ibid., p. 527.

recommended that the younger Democrats in the convention “look back to the time that tried men’s souls,” so that “instead of casting a shade on the bright virtue of their forefathers, [they would] endeavor to sustain these institutions which they had constructed, which could not be done by taking away their foundations.”⁵ A seemingly authoritative pronouncement, this statement closed the discussion; there were no more references to the republic’s “first principles.” Democrats were left to argue that the tax was a “relic of old mother Britain”⁶ and that it disfranchised honest laborers who could not afford to pay it.

Thaddeus Stevens would not hear of such attacks on the tax. He objected to Democratic rhetoric that “confound[ed] the honest poor man with the vagabond.” To Stevens, the Democrats would give any man the rights of a citizen if he merely “had lodged in a barn in the district for ten days, and washed his cravat in a mudhole.” Stevens attacked the Democrats with the accusation that the true beneficiaries of the amendment were not the “honest farmer, mechanic, or laborer,” all of whom could afford the tax, “but the vile, the vagabond, the idle and dissipated— this was the creature to be hugged and kissed and courted.” Stevens would not entrust the privilege of full citizenship to such individuals, for they possessed not the “character which ought to confer it.”⁷ Suffrage was not a privilege that should necessarily be enjoyed by all. This

⁵ Ibid., III, p. 115

⁶ William Curll (Democrat-Armstrong) in *ibid.*, p. 156.

⁷ Ibid., p. 167. Such views hardly coincide with the description of Stevens provided by his biographers, of which Stevens has several, the most recent of whom is Hans L. Trefousse, *Thaddeus Stevens: Nineteenth Century Egalitarian* (Chapel Hill: University of North Carolina Press, 1997). Even the *Dictionary of American Biography* gushes that Stevens “imbibed a strong feeling for the poor and an intense dislike of aristocracy and of caste lines” and that he opposed “everything that smacked of privilege and class distinctions.” See “Stevens, Thaddeus” in *Dictionary of American Biography*, 17, Dumas Malone, ed., (New York: Charles Scribner’s Sons, 1935), pp. 620-625.

was a conservative note that would be resounded by countless Whigs in the convention, some of whom explained why a tax qualification was so crucial.

Andrew J. Cline of Bedford stated that the importance of the tax was not the “paltry sum” collected, but the influence it exercised on the person. “As you are a member of society, you ought to have a voice in the Government, and you cannot be considered a member of the State before you share in its responsibilities.” Each citizen was obliged to contribute to the commonwealth; paying taxes “would thus tend to elevate the poorest man in his own estimation.”⁸ An opposite policy, on the other hand, would lead to the belief that citizens could neglect their duties. The “conservative Democrat,” James M. Porter, expressed similar sentiments, saying that the link between taxation and representation was a “republican doctrine.” He clarified this by stating that “the people were sovereign, but no man ought to exercise any right in a community he did not assist to maintain.”⁹ Another Democrat, Thomas S. Bell, echoed this just a few moments later, saying that the tax was “evidence that the individual feels interested in the welfare of the community, and has contributed to discharge the burthens of society.”¹⁰ For many in the convention, mainly Whigs and a few vocal Democrats, citizenship was laden with duties as well as liberties, and one could not enjoy all of the latter until he had shared in the former.

Most Democrats rejected this civic conception. While much of the Democratic rhetoric focused on nothing more than exposing and condemning the “old antagonist principle of wealth against liberty,”¹¹ one delegate revealed a deeper ideological position.

⁸ Ibid., II., p. 522-523.

⁹ Ibid., III, p. 125.

¹⁰ Ibid., p. 129.

¹¹ Ibid., II, p. 488.

Charles Brown of Philadelphia would have a man “come forward and claim his right, as a man and a citizen, not because he had contributed a sum of money.” Brown continued that he would have him claim his vote because “he was here on the soil laboring for the support of his family, and to build up the prosperity of the State. These are the men who are the very life blood of the body politic, and they should be entitled to all the privileges of citizens of Pennsylvania, without any restraint whatever.”¹² One could read this as a fairly liberal view of the individual’s role in the community. Because he is working diligently and thus contributing to the overall economic health of the state, he deserves a say in its political affairs. However, the metaphor of the state as a “body politic” predates modern liberalism and implies that the state is one organic entity with one common good, something that liberalism denies. There is, of course, also the republican platitude of the virtuous yeoman being the soul of society, handed down from Harrington via the Jeffersonian Republicans. However, despite his use of “privilege” to describe suffrage, it is clear that Brown envisioned a society that guaranteed rights (to white men) without any reciprocating social obligations, an understanding of citizenship more fully liberal than that of the Whigs discussed above.

Some Whigs rejected the idea that a tax was worthwhile of itself, even as a contribution to the maintenance of society. Walter Forward of Allegheny thought the only purpose of the tax qualification was to prevent electoral fraud, for “in substance it is worthless.” If this was the true function of the tax, and since the tax was so ardently opposed by a large part of the convention, Forward, a former Democrat, suggested a registry of voters, which was “the only means by which the purity of the government was to be maintained.” Even with such a registry some instances of fraud were still possible,

¹² Ibid., p. 538.

but he conceived it to be “the best safeguard against corruption which we could have.”¹³

Similar thoughts were expressed by James Clarke, a Whig representing the counties of Indiana, Armstrong, Cambria, and Clearfield: “It was not contended that the payment of a tax conferred the right of voting, but that it furnished merely the evidence of residence.”¹⁴

Despite Clarke’s poor memory of the arguments of not a few of his fellow Whigs, his and Forward’s emphasis on residency is telling. The Whigs in the convention had a pervasive fear of corruption at the polls. Their traditional republican fear of non-propertied individuals voting was compounded by Democratic electioneering in Philadelphia, which involved gathering the poor (“the vicious vagrants, the wandering Arabs, the Tartar hordes”¹⁵), paying their taxes, and taking them to wards where their votes would be needed. Even some Democrats who were not roaming Bedouin still committed fraud by voting in districts in which they were not residents, merely to increase the Democratic vote in areas in which they might have less success. However, a residency requirement meant far more than preventing electoral fraud. Thomas Bell again broke with the vast majority of Democrats and berated the convention that “it was absolutely necessary that he [the voter] should reside some time in a community, in order to feel an interest in its welfare before he should be entitled to exercise the right of suffrage.”¹⁶ But it was Whigs, more so than Democrats, who emphasized the intrinsic importance of familiarity with the community in which one lived. From Allegheny and Butler, Harmar Denny informed the convention that at least six months was necessary to

¹³ Ibid., III, pp. 126-127. A registry had already been created for Philadelphia the year before with the Registry Law of 1836. The coalition hoped to curb voting fraud, especially in those areas overcrowded with the Democratic Irish. See Charles McCool Snyder, The Jacksonian Heritage: Pennsylvania Politics, 1833-1848, (Harrisburg: Pennsylvania Historical and Museum Commission, 1958), p. 74.

¹⁴ Debates, III, p. 155.

¹⁵ Emanuel C. Reigart (Whig-Lancaster), in *ibid.*, II, p. 487.

¹⁶ *Ibid.*, p. 483.

“enable a man to obtain a knowledge of the laws and policy” of an area.¹⁷ By establishing a residency requirement Whigs, and even some Democrats, hoped to halt corruption at the polls and in society, achieving the latter by ensuring that voters were attached to their communities, enabling them to know and pursue the common good at the polls.

Democrats were not convinced by such rhetoric, largely because they were unconcerned with the issues of attachment that troubled their counterparts. Benjamin Martin, from the county of Philadelphia, was concerned that a residency requirement would “disfranchise only one class of society, without touching another,” because the “mechanical and laboring classes of society are those who have to make a frequent change of residence in order to suit their occupations.”¹⁸ Whigs would not accept such appeals, however, and they eventually forced through a ten-day district residency requirement. It is understandable that Whigs would support this restriction in light of their fears of Democratic electoral fraud, but at first glance it seems to discount the articulated necessity of attachment to one’s community as a necessary precondition for political activity. It is only apparent, though, for the ten days was related to another expression of republican citizenship.

James Clarke, going against some of his fellow Whigs, stumbled toward the resolution of this issue. He had “no faith in the old doctrine that no man should have a voice in the Government, because he had no property, no freehold to give him an interest in the community.” Every citizen had a stake in the community because he “was bound,

¹⁷ Ibid., III, p. 154.

¹⁸ Ibid., IX, p. 304.

when called upon, to serve the country.”¹⁹ Another delegate, William Ayres from Butler, used this association to suggest the ten-day residency requirement that had been used in his district “as a kind of equitable rule.” State law legislated that a man could not be called upon to do militia duty until he had resided in the state ten days, and since there was “something of an analogy”²⁰ between citizenship and military service, the same period of time should enable both civic actions.

While this elapse of time was inserted into the constitution as a district residency requirement, it was not the only issue in which the citizen-militia association was raised. Democrats invoked it often, attempting to substitute militia service eligibility for a tax qualification. In the space of a few fascinating sentences, a representative from Juniata, Mifflin, and Union, Ephraim Banks, articulated both the image of the martial republican citizen and the tension within the idea of “this great privilege—the right of suffrage”:

Every man who will take up arms, and is willing, so long as he is able, to devote himself and all that he possesses, to the defence and welfare of his country, if his country should need his aid, ought to possess the right of casting a vote at the ballot box. I would allow every man in the commonwealth to enjoy this privilege, without clogging it with any money qualifications, and without looking to any pecuniary considerations. If you will do this, you need have no fear as to the preservation of the liberties of our country. Our population is too intelligent—too anxious about their rights and liberties, and too resolutely bent on their preservation at every cost, to lose them by the negligence and want of attention to what is going on at the ballot box.²¹

The ideological importance of a citizen militia is ancient in heritage and was passed down through British Commonwealth writers. It received its most familiar American expression in pervasive Revolutionary fears of a standing army and in the conviction that a militia was militarily superior. But for some of the delegates, Whig and Democrat

¹⁹ Ibid., II, p.483.

²⁰ Ibid., III, p. 141.

²¹ Ibid., IX, pp. 302-303.

alike, militia duty was not only an obligation of citizenship but proof of it as well.

Eligibility for martial service entitled that person to a voice in government. Also familiar in this passage is the reference to vigilant civic participation in another arena—politics. Here the citizen is required to be vigilant in martial preparedness and in electoral involvement; negligence at the polls could result in a loss of civic liberty. The nature of the citizen's political voice is ambiguous here, however. Suffrage is explicitly described as both right and privilege throughout the passage, and indeed throughout the debates as a whole, and the peril of civic negligence conveys that exercise of the franchise is a duty as well. This tension is never addressed at any point in the proceedings. The multiple ways in which the idea of voting is expressed suggests residual language from older conceptions of suffrage itself (when a vote was a privilege and not a constitutionally guaranteed right; when the infant regime that accorded suffrage the status of right was so fragile that it required a vigilant citizenry to protect it from corruption).

As Democrats were using militia service in an attempt to broaden the base of the white franchise, they were simultaneously able to use the same principle as a lever for disfranchising blacks.²² Because Pennsylvania's statutory law did not permit free blacks to serve in the militia, some delegates interpreted this as proof that though freed from slavery, they were not "freemen." John B. Sterigere, the delegate who first moved to insert "white" into the constitution, claimed that he who is "not required to defend his country in war is destitute of [one] of the most essential attributes of citizenship," and that "the laws relative to Negroes are inconsistent with the rights secured to the freemen

²² Such arguments could have been used to disfranchise women as well, had they been enfranchised under the previous constitution. As it was, references to women and the vote were exceedingly rare. Linda Kerber deals with this issue in Linda K. Kerber, No Constitutional Right to be Ladies: Women and the Obligations of Citizenship (New York: Hill and Wang, 1998).

of this commonwealth.”²³ James Montgomery, a Whig from Mercer, thought such arguments were ridiculous. “Whose fault is it that blacks have not performed military duty? Have they, the coloured men, passed laws exempting themselves from such duty? . . . This kind of argument, sir, is like knocking a fellow down, and then kicking him for falling.”²⁴

Realizing that attempts to disfranchise the state’s black population on such grounds were unconvincing, few Democrats used such arguments. Much of the Democratic rhetoric focused upon the present condition of Pennsylvania’s blacks making them unfit to exercise citizenship. In the space of a single speech, Sterigere referred to the free black population as “inferior,” “degraded,” “debased,” “ignorant,” “scum,” and “outcast.” After considering the objection that some Whigs had made concerning why such epithets applied, Sterigere responded: “It is said this degraded condition is the result of circumstances. That does not remove the objection to conferring the right of suffrage upon them.”²⁵ E. T. M’Dowell, from Bucks, painted what in his mind was a grim picture indeed. If they were not explicitly disfranchised in the constitution, every black man in the state, “degraded and debased as nine-tenths of them are, will rush to the polls in senseless and unmeaning triumph. The chimney sweep and the boot black will eat the fruits of liberty with the virtuous mechanic, laboring man, and merchant. . . . Is this not a highly *coloured* illustration of the beauty and perfectibility of universal suffrage?”²⁶

Most Whigs chose to focus on that one-tenth whose existence M’Dowell implied. Walter Forward observed that “there has been found, and may be found again, among the

²³ Ibid., pp. 359, 363.

²⁴ Ibid., X, pp. 81-82.

²⁵ Ibid., IX, pp. 358-365.

²⁶ Ibid., II, p. 542 [emphasis his].

coloured population, those of extensive knowledge, and much virtue.”²⁷ Unfortunately, most often the measure of a man’s virtue, in his mind as well as in the mind of the convention’s Whigs, was the same as that which measured his attachment—property. Forward himself suggested as much when mere moments later he told the convention that “many coloured men are of extensive property. . . and bear the burdens of state equally with other citizens.”²⁸ Phineas Jenks of Bucks had expressed a similar sentiment earlier. There were blacks in his district worth \$20,000, \$50,000, and in one case, \$100,000. Would it be “proper for an individual who has so deep a stake in society to be excluded from the elective franchise?”²⁹

Such arguments had no effect on Democrats, who were just as opposed to recognizing property as a basis of social distinction in blacks as they were in whites. Charles Brown demanded that “if we made any distinction between the white man and the negro it should be because God and nature had made that distinction; but there could be no republican rule by which we could make a distinction between the rich negro and the poor one.”³⁰ John J. M’Cahen, also from the county of Philadelphia, “disapproved of making any distinction between the poor and the rich—if the latter was entitled to the privilege, so was the former.” As egalitarian as this language sounds, still he “would not grant the right to any negro, no matter what might be his circumstances.”³¹ Democrats used both edges of the proverbial sword in arguing over who should enjoy suffrage rights. For whites, if the rich man had a right to vote, than so should the poor man; for

²⁷ Initially a Jackson supporter, Forward left the party when it was clear that he diverged with Democrats on issues such as the registry in Philadelphia, banking, and the convention itself. See Henry R. Mueller, “The Whig Party in Pennsylvania,” Columbia University Studies in History, Economics, and Public Law, vol. 101 (New York: 1922), pp. 253-517, p. 279, n.

²⁸ *Ibid.*, X, p. 9.

²⁹ *Ibid.*, II, p. 476.

³⁰ *Ibid.*, III, p. 91.

blacks, if the poor man was unfit to exercise citizenship, than the rich man should be denied that privilege as well.

This “natural distinction” was a key component of Democratic thought. One of the most tireless speakers on the part of black exclusion was Benjamin Martin, who exhorted:

The divisionary line between the races is so strongly marked by the Creator, that it is unwise and cruelly unjust, in any way, to amalgamate them, for it must be apparent to every well judging person, that the elevation of the black, is a degradation of the white man; and by endeavoring to alter the order of nature, we would, in all probability, bring about a war between the races.³²

John Sturdevant, a Democratic colleague, asked the convention, “Can an Ethiopian change his skin? Can man break down a barrier or blot out a distinction which Almighty God has fixed between the white man and the negro?”³³ One delegate chose to answer Sturdevant’s questions: Philadelphian Thomas Earle, a member of the American Colonization Society and future vice-presidential candidate of the Liberty Party in 1840. A Democrat, Earle held views on black suffrage that certainly cost him political preferment in his party for the rest of his career. He complained that “these prejudices against colour are contradicted by reason and philosophy,” since “every man could see that the coloured race is becoming lighter.”³⁴ Although he did not cite his source, the influence here of Samuel Stanhope Smith’s *Essay on the Causes of the Variety of Complexion and Figure in the Human Species* (1787) is probable.³⁵ But Earle was the

³¹ Ibid., IX, p. 381.

³² Ibid., p. 321.

³³ Ibid., p. 328.

³⁴ Ibid., X, p. 124.

³⁵ George M. Frederickson discusses the minimal influence of such thought on the abolitionists of Jacksonian America, but concludes that they did not place any practical reliance upon it because “they saw this process as taking a long time, and in the meantime they demanded equality for the negro whatever his color—on moral, religious, and ideological grounds.” See George M. Frederickson, The Black Image in

only delegate to attempt a scientific refutation of the natural distinction that Democrats and some Whigs alike found so convincing, and his ideas seem to have had little influence in the convention.

Because the distinction between the races was seen as natural, and divine in origin, the effects of intermixture, social and political, were much feared and often articulated. This fear of racial miscegenation was often transferred to images of political amalgamation. George Washington Woodward, representing the district of Luzerne, Monroe, Wayne, and Pike, feared making “this which was formed a white government, a white and black government—a compound—a streaked and spotted affair.”³⁶ Martin conveyed similar thoughts in stating that “to hold out to them [free blacks] social rights, or to incorporate them with ourselves in the exercise of the right of the franchise, is a violation of the law of nature, and would lead to an amalgamation in the exercise thereof.”³⁷ Such expressions of political mingling as miscegenation between the two races invoke an older conception of the polity. To equate political intermixture with racial amalgamation suggests that in such instances people were still imagining society as an organic entity, a metaphor that by this time had been largely supplanted by that of contract.³⁸ But comparing black political involvement to racial intermixture is to conjure

the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914 (New York: Harper and Row, 1971), p. 71.

³⁶ Debates, X, p. 23. In addition to his fear of black intermixture in the political community, he feared immigration as well. A Democrat, accusations of his Nativism earned Woodward the wrath of a large portion of his party and eventually cost him a seat in the United States Senate as well as on the United States Supreme Court. See Snyder, Jacksonian Heritage, pp. 188-205.

³⁷ Ibid., IX, p. 321.

³⁸ I do not mean to suggest that in working out mental solutions to the “problem” of blacks in the state the delegates abandoned conceptualizing society as a contract. Woodward offers a particularly explicit example: “It is the great excellence and beauty of our system, that it is founded on the *consent* of the governed, so that allegiance and fidelity result as necessary consequences, and need not be enforced by oaths and positive enactments. But, sir, the negroes never assented, and their presence here, since it was procured by fraud and force, could not be construed into an adoption of the country, or an acquiescence in its forms of government. They were brought here to be slaves, and not freeman; and they were slaves and

images of the white population and the black population as separate entities, each presumably with its own interests. This line of thought was played out throughout the convention's debates.

Even when delegates were not using the mulatto metaphor, they were painting fearful portraits of an amalgamated republic. Sterigere stated that “he should be very sorry to see the time when respectable citizens of this Commonwealth would be jostled at the polls by negroes, and prevented from voting by the character of the persons who surrounded the polls.”³⁹ Most surprising in this remark is the unmanly way in which the hypothetical white citizens in this picture are prevented from exercising their rights of citizenship—much the same way Pennsylvania's white citizens actually were keeping the black population from the polls. M'Cahen chose, and he was not alone, to emphasize that if blacks could vote, then they could be elected to office as well. He sarcastically confessed, “there would be true republicanism in witnessing on the bench of your *Supreme Court* the *presiding Judge*; the offspring of *Africa's shores*, sitting in *brotherly and religious companionship* with his *white brethren*, deciding upon your *rights*, your *properties*, and your *lives*.”⁴⁰

Playing on fears that must have been dominant in the convention, many Democrats explained that, since equal social intercourse was unthinkable, extending merely political rights would cause resentment on the part of the blacks. Evidently delegates who subscribed to this line of thought did not think that denial of both would cause a problem. John Fuller, representing Fayette and Greene, expressed this type of

not freemen when the principles of government were agreed on, and when its foundations were laid. They had neither lot nor part in the matter. I inquire not whether they *ought* to have had.” See *ibid.*, X, pp. 19-20 [emphasis his].

³⁹ *Ibid.*, II, p. 549.

thought quite clearly: “if the negroes were debarred from participating in the social rights of the whites, although allowed to exercise political rights in common with them, they would as they grew in strength, endeavor to get up an interest separate and distinct from that of the white population.”⁴¹ This was faction in its oldest republican sense. Fuller here imagines white society as a discrete entity with a common interest, an interest which blacks would not and could not pursue because Fuller could not imagine that they could ever be true members of society.

It is perhaps ironic that a Democrat vocalized the traditional perils of factions, when Whigs and their antecedents had spent a decade denouncing the Democrats for creating precisely that. Although Democrats had created a permanent party structure and an ideology that rationalized its own permanence, still they could not accept the thought of blacks as a party unto themselves. Jacksonians saw themselves as heirs to the Jeffersonian Republicans, who in turn saw themselves as a latter-day Country party resisting the machinations of the Court; they represented the people as a whole, and whoever opposed the party opposed the people.⁴² Whereas Democrats envisioned Whigs as a corrupt moneyed interest, they declined to acknowledge blacks as members of society at all. If they were not members of society, then any political action that they might take was sure to be against society’s interest.⁴³

⁴⁰ Ibid., III, p. 88 [emphasis his].

⁴¹ Ibid., X, p. 63.

⁴² Major Wilson outlines the Jacksonian conception of themselves as Jeffersonian legatees in Major Wilson, “Republicanism and the Idea of Party in the Jacksonian Period,” *Journal of the Early Republic*, 8 (1988): 419-42. Two works that stress the Jeffersonian as heirs to the Country tradition are Lance Banning, *The Jeffersonian Persuasion: Evolution of a Party Ideology* (Ithaca: Cornell University Press, 1978) and Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: University of North Carolina Press, 1980).

⁴³ Peter Onuf has observed a similar emphasis on the necessity of harmony and homogeneity in a self-governing republic in the political philosophy of Thomas Jefferson. Peter S. Onuf, *Jefferson’s Empire: The*

It was not only those seeking to restrict the franchise to whites who feared the prospect of Pennsylvania's black population pursuing their own common interest. Even some who supported black suffrage articulated the same concern, the main difference being that they feared this would happen if political rights were denied to African-Americans, not if they were granted. Thomas Earle warned, "treat any man as an outcast, and he becomes an outcast in fact." Though such a statement seems to point toward the danger of social exclusion as well, and knowing the sentiments of this ardent abolitionist, they were probably meant to, he narrowed his focus: "The moment you exclude any portion of the people, they felt little or no interest in your Government; and it was much easier to stir up discontent and rebellion among those who are deprived of their rights, than those who have them. Such men would almost prefer a despotism to the free institutions in which they have no share."⁴⁴

But most delegates worried that granting blacks political rights implied their social equality. Forward asked, "are there not different ranks in life? Certainly there are. . . . Still, are they not all entitled to the same political rights and privileges?"⁴⁵ Actually, most Democrats denied that there were such ranks in white society. That such hierarchy existed between whites and blacks guaranteed that the two peoples could not have a common interest. Anti-Mason James Merrill of Union declared that he did "not desire to see any black men admitted to vote, who had no common interest and attachment. . . . If

Language of American Nationhood (Charlottesville: University Press of Virginia, 2000). See especially Chapter 5.

⁴⁴ Debates, II, p. 502.

⁴⁵ Ibid., X, p. 10.

the feelings and interests of an individual are such as to divide his attachment from ours, he ought not to be permitted to vote.⁴⁶

But this was precisely the problem that both Democrats and some Whigs thought they were facing. Traditional republican fears of the consequences of a heterogeneous society resurfaced when the delegates thought of an interracial society.⁴⁷ While some delegates ridiculed the idea that blacks were equal in intellectual endowment to whites, others did not deny that blacks were at least capable of achieving the knowledge and virtue necessary for republican citizens, even if they presently did not possess those attributes. A Philadelphian, William M. Meredith, “thought it wiser not to incur the risk of having our institutions controlled, by a race to which we do not belong. No one denies the possession of intellect and virtue to the blacks; but I require more than this.” He thought it the duty of the convention to grant the right of suffrage only to those “through the medium of whom, the peace and prosperity of society would be promoted.”⁴⁸

Even Woodward, the delegate who feared the “streaked and spotted” republic admitted, “I believe the negro race capable of self-government.” So, if blacks were capable of self-government, what was the objection to their full membership in the political community? Woodward believed them capable of self-government “in West Africa.”⁴⁹ One of the overarching reasons for the existence of the American Colonization Society was that citizens were concerned with “the presence of a second race,” simply because they were of another race. The purpose of the Society was to make America

⁴⁶ Ibid., p. 6.

⁴⁷ The year before the convention seated, James Kirke Paulding wrote that racial amalgamation would “destroy the homogenous character of the people in the U.S., on which is founded our union, and from which results nearly all those ties which constitute the cement of social life.” See James Kirke Paulding, Slavery in the United States (New York: Harper and Brothers, 1836), p. 64.

⁴⁸ Ibid., IX, p. 350.

⁴⁹ Ibid., X, p. 24.

home to “one happy, united, homogenous race.”⁵⁰ Without a homogeneous citizenry, classical republican thought held that preservation of the republic is impossible because the citizenry would not share the same values and interests. Because delegates, Whig and Democrat alike, conceived of blacks as an ultimately socially inassimilable race, they had to imagine the implications of having a separate community within their own. This second community had its own interests, and since it existed beside and within the white community, the interests of the two groups would most assuredly come into conflict. The question dividing Whigs and Democrats then became whether granting or denying the franchise most successfully neutralized the black interest.

When the people ratified the Pennsylvania constitution of 1838, the right of suffrage was limited to “white freemen.” By this time, the color qualifier might not have even been needed, since the previous year the Pennsylvania Supreme Court, in *Hobbs v. Fogg* had decided that free blacks were not eligible to vote under the prior constitution. Although the constitution of 1790 had granted the franchise to all freemen who paid a tax, the court ruled that free blacks were not intended to fall under the provision. The free black population, “though free as the winds, might be unsafe depositories of public power.” The “design” of the constitution of 1790 was “to admit no man to the freedom of the province who had not a stake in it;” in addition to this, “no colored race was party to our social contract.”⁵¹ Free blacks did not fit into traditional categories of citizenship.

⁵⁰ P. J. Staudenraus, The African Colonization Movement, 1816-1865 (New York: Columbia University Press, 1961), p. viii. Ronald Takaki stresses American anxiety over the lack of a homogenous community and interprets this anxiety through a republican lens in Ronald T. Takaki, Iron Cages: Race and Culture in Nineteenth-Century America (New York: Oxford University Press, 1990).

⁵¹ *Hobbs v. Fogg*, 6 Watts 553, 1837. This decision was reached after the first reading of the third article of the constitution in the convention and before the second reading. During the first reading, a number of delegates referred to a pending case before the court, and advised the delegates that the issue should be settled there. The conclusion reached by the court probably contributed to the final outcome in the convention, since after the first reading the convention voted against the insertion of the word “white.”

They may have been slaves once, but were so no longer. They were not denizens because they had never been aliens. They could not be aliens because they owed no foreign or tribal allegiances. Yet to acknowledge full citizenship was out of the question without also acknowledging the illegitimacy of many of the discriminatory laws passed against them.⁵²

Although Whigs had a slight majority in the convention, they were not able to obtain all of their goals. They were able to retain the tax qualification, as they had desired, but its sum was so negligible that it hardly reflected possession of a common interest in the community. The district residency requirement they obtained was minimal as well, ten days not seeming like nearly enough time to form the attachment to the community that Whigs thought necessary. With such a razor-slim margin in the convention, legislation demanded compromise. Democrats were unable to strike the tax qualification from the fundamental law, but they were able to get a residency requirement far shorter than that suggested by some in the convention. Many Whigs voted against the restriction of the franchise to whites alone, but others voted with the Democrats in a successful effort to restrict the right of suffrage. Throughout the convention, those who supported tax qualifications and residency requirements did so on traditional republican grounds of common interest and attachment to the community. The bulk of those who opposed such measures also supported the disfranchisement of the state's free black population. They did so from republican fears that a republic that was not homogeneous could not survive. "It is peculiarly and emphatically the duty of a republican government to do exact and equal justice to all her citizens," James Merrill wondered aloud, "how can

⁵² See James H. Ketner, The Development of American Citizenship, 1608-1870 (Chapel Hill: University of North Carolina Press, 1978), p. 319.

gentlemen vote to issue, as it were, a ban of ex-communication of this nature, and yet sustain their republican principles?"⁵³ This was precisely the issue at hand. How could the delegates preserve their commonwealth?

⁵³ Debates, X, pp. 127-128.

CHAPTER III

PATRONAGE

The preservation of the republic depended not only upon a culturally or racially homogenous community but also upon the civic action of an educated, independent citizenry. If one citizen was dependent upon another, then he would be unable and perhaps unwilling to act for the good of the whole, substituting instead a private interest. One of the major dangers some citizens feared would cause this dependence in the citizenry was the vast patronage the governor exercised within the state, an appointment power that one historian has described as “truly regal in proportions.”¹ This extensive power was the result of the state constitution of 1790, which gave the governor sole power to appoint “all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for.”² Among the offices that the governor had the power to fill under this constitution were justices of the peace, recorders of wills, and prothonotaries of the lower courts, all of which had been elective offices under the constitution of 1776. To restore these offices directly to the people was one of the main objects for which the convention had been called, and it was broadly agreed upon in the convention that the patronage of the governor should be curtailed. In the end, the convention limited the governor’s

¹ Charles McCool Snyder, The Jacksonian Heritage: Pennsylvania Politics, 1833-1848 (Harrisburg: Pennsylvania Historical and Museum Commission, 1958), p. 13.

appointment power by restoring those lower offices to election by the people and to require the advice and consent of the senate for all other offices except the secretary of the commonwealth. In this way, the convention can be seen as having “respond[ed] to the democratic spirit of the era,”³ but one can also see in the course of debates an older impulse, a fear of a decaying republic rather than a confidence in the common man.

The committee charged with making suggestions for the amendment of Article II (the article concerning the powers of the executive) recommended the consent of the senate in appointment of executive officers and making lower officers elected by the citizens of the respective counties.⁴ While the latter was largely unopposed in the convention, the recommendation that the senate be required to approve all executive nominations was met with considerable opposition. Those who opposed the amendment spent far more time on the floor than did the amendment’s supporters, presumably because those favoring it were confident of its success, a confidence that proved to be justified.

A delegate from Greene county, Samuel Cleavinger, expressed clearly one of the motivations behind curtailing the patronage power of the executive: “each returning election convulses our whole community—the partizans of the respective candidates, forgetting their characters as freemen of a great Commonwealth, descend to the low and groveling condition of mere politicians, whilst the scramble for office produces a compliance on the part of the applicant, entirely destructive of republican

² Francis Newton Thorpe, ed., The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the States, Territories, and Colonies, now or heretofore forming the United States of America, vol. V (Washington: Government Printing Office, 1909), p. 3095.

³ Snyder, Jacksonian Heritage, 111.

⁴ Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, to Propose Amendments to the Constitution, commenced and held at Harrisburg on the second day of May, 1837.

independence.”⁵ The first thing that strikes us here is Cleavinger’s reference to the convulsions which late elections have caused in the community. This reads as a traditional Whig denunciation of party conflict. Whereas Democrats accepted and even celebrated this struggle between the parties, Whigs viewed these “convulsions” as unnatural disruptions of the order and harmony of society. Next is Cleavinger’s juxtaposition of “freemen of a great Commonwealth” with groveling “petty politicians” scrambling for office, a practice he finds “destructive of republican independence.” According to the republican tradition, citizens in a republic exercise their virtue through civic action; but this civic action must be for the good of the whole rather than for a private interest, i.e., electioneering to seek the favor of an elected official and thus receive an appointment to some office. If one acts for the latter purpose, then that action is not virtuous, but corrupt. In the words of J.G.A. Pocock, “The man who lived in expectation of reward for his civic actions was a creature of passion, not of virtue, and by definition lacked the quality necessary to resist further degeneration.”⁶ Certain individuals in the Jacksonian era were repulsed by mere politicians, and that this repulsion stemmed from a long-standing fear that such men could not sustain the independence necessary for virtuous political action.

The most widely expressed solution to the problem of executive patronage was the sharing of this power with the senate. George Washington Woodward, a Democrat representing the district of Luzerne, Monroe, Wayne, and Pike, counties in the northeastern part of the state, thought that if the senate shared in the appointment power,

reported by John Agg, 13 vols., (Harrisburg: Packer, Barrett, and Parke, 1837-39), I, p. 534. [Hereafter cited as Debates]

⁵ Ibid., II, pp. 292-3.

then Pennsylvania would receive better officers. Because this body was composed of men of every part of the state, who would be well acquainted with the districts they represented, they would have fuller knowledge of the qualifications of any given individual than the governor would. Woodward saw the selection of the best as necessary for the health of the Commonwealth: “It was of small moment that we establish a Constitution and salutary laws, unless we secured the services of the best officers, both as to the head and the heart, in administering them.” And, Woodward added, this was not to be achieved by leaving the appointment power in the hands of the governor alone. Such a view stresses the continued necessity of virtue and intelligence in governmental officers, rather than the more liberal view of government as a machine with interchangeable parts. Woodward thought that the state stood a better chance of receiving the services of the best, and thus gaining “more security for the rights of the people, if this check were placed on the action of the executive.”⁷

Woodward went on to denounce both “the inordinate desires, which was now too prevalent, to become favorites of the executive,” and the practice of men in different parts of the state combining in support of a candidate simply with the view to divide the appointive offices between them. Woodward had no doubt this provision would check the “corrupt bargaining of office, and to promote the interests of the State, by securing an intelligent and disinterested exercise of the power of appointment.”⁸ If we follow Daniel Walker Howe’s claim of the centrality of faculty psychology to American Whigs, Woodward the Democrat sounds almost Whig in his denunciation of the “inordinate

⁶ J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton university Press, 1975), p. 482.

⁷ *Debates*, II, p. 289. See also p. 20, n. 41 of this essay.

⁸ *Debates*, II, p. 289.

desires” pushing men to court the favor of the governor.⁹ However, he sounds unmistakably Democrat in his allusion to the “corrupt bargain” that Jackson and his supporters claimed stole the presidency from him in 1824. In Woodward’s view, if the governor’s appointments were subject to the review of the senate, men’s passion for office and thus willingness to join in factions and sacrifice their republican independence to the governor would be tempered by the knowledge that he did not have the absolute power of appointment. Not only would the senate provide better knowledge of the qualifications of nominees so as to procure the service of the best but also their very existence as a supervisory body would improve the character of the people as a whole.

Thomas S. Bell, a Democrat from Chester, rather than targeting the character of those who sought appointment, chose instead to stress the dangers of unlimited powers of patronage: “A governor who might be seduced into the appointment of an inefficient or dishonest man to office, where the merits and demerits were not to be subjected to searching examination, would hesitate long to submit to the Senate a nomination, which might call into question how far he was directed by purity of motive and uprightness of purpose, in exercising his power of appointment.” Once again we see the senate portrayed as a supervisory body, weighing the qualifications of nominees, and ensuring that “inefficient or dishonest men” would not be appointed. The governor would thus be more careful in making nominations, not wanting to seem careless at best, or have his “purity of motive” doubted at worst. By hinting at the potentially impure, i.e., corrupt, exercise of executive patronage if unchecked by another body, Bell emphasized the necessity of the amendment to prevent corruption of the system. Bell concluded his

⁹ Daniel Walker Howe, The Political Culture of the American Whigs (Chicago: University of Chicago Press, 1979), pp. 29-31.

argument sounding a traditionally Democratic note, calling this battle over patronage “only one instance of the perpetual struggle which has been going on between a democratic principle and an aristocratic feature of our constitution.” Not all in the convention saw it this way, and not a few ventured defenses of this “aristocratic feature.”¹⁰

A Whig from Beaver, John Dickey thought dividing the appointment power between the executive and the legislature at best pointless and at worst harmful. If the senate and the governor were of the same party, then the senate would approve his nominations as a matter of course. This was “no check upon his actions.” If anything, the proposed amendment allowed the governor to be more careless in appointments because the responsibility was no longer solely his, and the result would be “a positive injury to the public interest.” It is not surprising to hear a Whig invoking “the public interest,” focused as they were upon the natural harmony of society, but Dickey was not confident that this public interest would be achieved. He pointed out the possibility of an “Executive and a Senate at loggerheads.” If the two branches were of different parties, senators might reject nominations without regard to the qualifications or character of the nominees. “The time had not come yet, when public men would act for the good of their country alone. There was no prospect that party excitement would die away.” For a Whig, this was a dire pronouncement indeed, but one that illustrates an acceptance even if not an embrace of liberal politics of interest. Dickey thought it best if appointments were left solely to the governor, “for he knows his popularity is at stake, and he performs his duty with the more care and deliberation on that account.”¹¹

¹⁰ Debates, II, p. 305.

¹¹ *Ibid.*, pp. 286-7.

Another Whig, Harmar Denny, representing Allegheny and Butler counties, echoed the thoughts of his colleague and neighbor. To Denny, the proposed amendment did not limit the influence of the governor because the governor still had the sole power to nominate. Much worse than taking this power from the governor, “it leaves him with the patronage, but relieves him of much responsibility.” Denny then went on to refute Bell’s conception of the proposed amendment as a blow to aristocracy. Rather than correct an aristocratic feature of the present constitution, as was mistakenly supposed, the proposed amendment “strikes from our Constitution a prominent *democratic* feature, to wit: the direct responsibility of the Governor to the people” and substitutes responsibility onto a body not elected by the entire population. The amendment would provide the governor with “a shield to protect him from their [the people’s] dissatisfaction. Denny closed by attempting to disabuse the convention of one final, faulty notion. “Much has been said by the advocates of this amendment because it institutes a supervisory power over the Governor; but it takes away a more wholesome one . . . the supervisory power of the people is withdrawn, and the Senate is to be erected into an irresponsible appointing power, independent of the great majority of those interested in its proper exercise.”¹²

Although Denny and Dickey attacked the proposed amendment on the common ground of the decrease in executive responsibility for appointments, Denny’s argument is different. Whereas Dickey said the appointive power was best lodged solely in the governor because then it was in his self-interest to appoint those best suited to fill the post, Denny called attention to the amendment’s tendency to take from the people their supervisory capacity. Although both arguments center on the governor’s reelection, and the people’s ability to prevent that, their emphases were different. Dickey’s argument

¹² Ibid., pp. 322-4.

reads as more modern, stressing the effect bad appointments would have on the popularity of the governor, thus harming his chances for reelection. As a result, the governor, if the responsibility (and culpability) was solely his, would be inclined to make good appointments. Denny's argument, on the other hand, invokes older, republican ideas of popular vigilance, and raises the specter of a body with appointive power that is independent of the people as a whole, a "shield" for the governor against the people. Denny raises this old republican fear in democratic terms, however. He stresses that the supervisory power belongs to the people, and there is no need, and it was indeed potentially dangerous, to delegate this authority to body that is not elected by the whole citizenry. One should also note that the Whig sounds almost Jacksonian in his description of the state's chief executive as the only officer of the entire people.

Not all who opposed the proposed amendment disagreed with it on the grounds of decreased executive responsibility. Thaddeus Stevens, of Adams, sounded a conservative note by rejecting the innovation simply on the grounds of it being innovative. Although he grudgingly conceded making the lower offices elective, "if this would slake the burning thirst of the reformers," he was opposed to dividing the appointment power. Emphasizing the sanctity of property and the centrality of this principle to republics, he reminded the convention that "experiments in Governments are dangerous things, when the lands and the houses, and the personal estate of a whole people depend on the result."¹³ Taking sole patronage power from the governor would threaten the practical functioning of government as well as violate the fundamental tenet of separation of powers.

¹³ Ibid., pp. 307-8.

Stevens was concerned with what would happen if the governor could not choose for himself who was to be his Surveyor General, Attorney General, Secretary of the Land Office, and Auditor General; they in effect formed his cabinet. “His own comfort, and the comfort of each of them, as well as the public interest require, that there should be perfect harmony, and unity of views and action among them.” Stevens is expressing very Whiggish notions here not only in emphasizing the public interest but also in stressing that for this public interest to be achieved, harmony and unity are its necessary precursors. This harmony and unity would be near impossible to achieve if the governor and his cabinet members are of opposing parties and principles: “discord and opposition must then disturb their counsels, and injure the interests of the State,” thus threatening “our great system of Internal Improvements.” Although at this time Stevens was still formally an Anti-Mason, one of the few in the convention, it is clear that socially and economically Stevens shared views with his Whig colleagues, an assessment that is further reinforced by the fact that Stevens became a Whig himself in the 1840s.¹⁴

Stevens was not yet through, taking the time to refute Woodward. In an interesting reversal of standard party positions, the Democrat avowed his belief that the Commonwealth required rule by the best, while the soon-to-be Whig declared “it is far better to have less efficient public agents, acting in friendly concert for the public good.” So, while Stevens did not think the State needs the best, he still views the public good as the ultimate goal of government. This could not be achieved by giving the senate a share of the patronage. “Why vest the power of appointment in the Legislature? Their legitimate duty is to enact laws, and not to appoint those who are to execute them. Sufficient inducements are now held out to them to make them swerve from the path of

¹⁴ Ibid., p. 308.

duty, without multiplying the temptations by placing the patronage of this great State at their disposal.”¹⁵ Stevens opposed the amendment on the traditional grounds of separation of powers, without giving any reference to the federal constitution and also because he feared corruption. He alluded to bribery as an already existing peril to popular government and went on to predict that should the amendment pass, “the Senate would either prostrate the Governor, or the Governor the Senate.” Either way, “the Senate will become unfit for its legislative, and the Governor for his executive duties.”¹⁶ It mattered not which of the branches prostrated the other, for the system would be corrupted through the one branch’s undue influence over the other, thus making neither branch fit to exercise the powers vested in it. This is reminiscent of political corruption in the British sense, most frequently voiced in the concern of the monarch’s undue influence over Parliament. Of course, different orders were not recognized in antebellum America, but the fear of one branch of the government corrupting the other with undue influence remained.

Woodward again rose to defend the proposed amendment, and did so in a rather striking speech that fills seven pages of the debates and contains some of the most clearly republican sentiments of the entire convention. He looked back to the executive under the constitution of 1776 and observed that while that twelve-person council had been too weak, the constitution of 1790 had gone too far in remedying this evil, and in so doing, had created a greater one: “They lodged the executive power in one man, and conferred on him an amount of patronage, altogether too great for any officer of a republican Government to possess.” Although this is a standard reformist attack on the constitution

¹⁵ Ibid., p. 309.

¹⁶ Ibid., p. 310.

of 1790, the framers of this document were not to be entirely blamed. The great majority of offices filled by executive patronage had been created by the legislature for Pennsylvania's system of internal improvements, a post-1790 development that had not been imagined by the framers. Although this can certainly be read as a Democratic attack on National Republican and Whig legislation, for Woodward it represents far more than a mere difference of political economy. "All these officers derive their official existence mediately or immediately from the Governor, and most of them hold their places by no other tenure than his sovereign will and pleasure. He is the Lord Paramount, and a sort of feudal relation is established between him and a body of men scattered all over the Commonwealth." Woodward is vivid in his depiction of the monarchic nature of the governor's patronage, and this is surprising language from a Democrat probably sensitive to Whig references to "King Andrew." Nevertheless, such an extended metaphor must have been deliberate. He likens officers of the state to feudal serfs, dependent on their lord and subject to his whim. Such is not the character of independent citizens of a republic. But, thankfully, the citizens are still vigilant: "the people of Pennsylvania love liberty too well, and cherish it with a jealousy too wakeful, ever to rest contented and secure till this vast, dangerous, and still growing Executive power is hewn down to a republican size and shape."¹⁷

Although the people are jealous of their liberty, still the enormous patronage of the governor remained dangerous to the republic. The very scope of this power "heats and increases that thirst for office which has become the characteristic disgrace of our age." But it is not merely ambition Woodward condemned. All in the convention had seen

¹⁷ Ibid., pp. 339-40.

the stripling become a politician before he became a man. You have seen him neglecting those studies and pursuits which alone could ripen and mature his judgment, and qualify him for discharging his future duties as a citizen, with credit to himself, and honor to his country; for the poor, the melancholy, the wretched purpose of mingling in political strifes he did not comprehend, and which could only make him a *mere politician*—a man with principle in proportion to his interest.¹⁸

Woodward is decrying the neglect of education in the rising generation, a neglect that could prove fatal to the republic, for without this preparation, the young would be unfit to exercise the duties of citizenship properly. It is interesting that the Democratic Woodward mentions the duties of citizenship; normally it was Whigs who spoke of duties and Democrats more often of rights. Nevertheless, in Woodward's description, the young do not even understand the political battles into which they have flung themselves because they have neglected a properly civic-minded course of study. The result is a generation of politicians rather than citizens and statesmen, a class of men devoted to self-interest over the common good.

Woodward continued, using more vivid imagery to describe the condition of the commonwealth:

Who, sir, who hears me will deny that these are among the bitter fruits which this bloated and overgrown Executive influence and patronage yield to the public? And who, sir, that witnesses the blight and the mildew which this widespread and overshadowing evil is shedding on the morals and manners and principles of our people, does not tremble for the stability of our republican institutions?

This is a completely straightforward articulation of classical republican dogma. First, simply in imagery, we see this “bloated” executive and the “blight” he is causing, and the association with the physical corruption of organic matter is immediate. This corruption is not merely confined to the branches of government, it is spreading to the people themselves, threatening to taint their values, thus endangering public virtue and the

¹⁸ Ibid., p. 340 [emphasis his own].

commonwealth. But once again Woodward draws back; he does not yet hear a dirge for the republic, for “the people feel this evil. Their anxiety to eradicate this canker, gnawing as it is at their vitals, proves its progress has not yet deadened their sense both of the danger and the remedy.”¹⁹ Despite the danger that this cancer presents, at this point, the body politic is still healthy enough to save itself. But the remedy must be applied quickly. “The people expect this of us, and it is our duty to execute their will.”²⁰

Joseph Hopkinson, a Whig from the city of Philadelphia, did not agree with Woodward’s alarm. For one, the people were not diseased: “a corrupt and demoralized people would have made the choice of different institutions from ours. . . . The people of this state are a thinking, quiet, thrifty and virtuous set of men, not to be demoralized by an unsuitable distribution of a few of the offices of the Government.”²¹ The method of filling government offices might be flawed, Hopkinson acknowledged, but this fault had not corrupted the people. As proof of this, Hopkinson thinks he need only point to the continuing presence of republican institutions in Pennsylvania. Implicitly, he downplayed the necessity of a vigilant citizenry. Interestingly, it was the twenty-eight-year-old Woodward, not even born until Jefferson’s second administration, who was the champion of republicanism in the debates over the curtailment of the governor’s patronage, while the sixty-seven-year-old Hopkinson, raised during the Revolution, the time when supposedly this body of ideas was at its most influential, provides its most clear repudiation.

¹⁹ Ibid., p. 340.

²⁰ Ibid., p. 344.

²¹ Ibid., p. 360.

“Take away the demoralizing influence of this patronage—how will you do it? By connecting the Senate with the dispensation of it?”²² Even if one believed the executive influence to be corrupting, Hopkinson sarcastically asked, does linking the senate in this corruption truly solve any problems? The majority of the delegates to the Pennsylvania constitutional convention of 1837-38 thought so, for they passed the amendment. The curtailment of the governor’s patronage was one of the major reasons a convention was called, and the reformers succeeded. Lower offices were returned to direct election in the respective counties, as provided for in the original constitution of 1776, and nearly all of the governor’s appointments now required the consent of the senate. Although there was a broad consensus that the executive’s influence was too great, and thus vague references to corruption were common, few acknowledged that this corruption would affect the character of the state’s citizens. In this way we can see that while the old rhetoric of republicanism was at the disposal of those in the convention, few accommodated this rhetoric to the newer conceptions of society that they held.

²² Ibid., p. 361.

CHAPTER IV

STATE ELECTIONS

Beginning with a seemingly innocent motion to change the date of state elections, ideas of virtue, corruption, and the common good all came into surprising collision within the first month of the convention. As prescribed in the Constitution of 1790, state elections were to be held on the second Tuesday in October.¹ For the benefit of the farmers of the state, a committee recommended changing the date of the state elections to coincide with that of the presidential election, which was normally held in November, most recently, on the fourth of that month in 1836. Residents of towns and cities enjoyed more convenient access to the polls than did those in agricultural districts; many thought mere courtesy required that the views of the farming population be considered.

The second Tuesday in October was a highly inconvenient time for farmers, between harvesting and seeding. Adding to the inconvenience was the necessity, for those who were politically active, of attending two elections within weeks of each other. For some, this attendance required travel over considerable distance. Many farmers who wanted to vote had to choose between the two elections because they could not afford to miss two days of work. There was no reason state elections had to be at a time when a

large part of the populace was indisposed, especially since a more convenient election day already existed. Combining the two elections would increase attendance at the polls by providing a date at which the farmer was traditionally engaged in less urgent toil and by relieving him of the necessity of choosing between state and federal elections. The treasury would be spared as well, since “it would save the State at least \$30,000 every fourth year by holding both elections at the same time.”² Passing the motion would save time, travel, and money; who could object? But there were those who did, those who realized that reformers had more than convenience in mind. The motion was aimed at increasing the influence of the farmer, a concern that was ideological as well as political. In this issue that cut across party lines, practical considerations were in the minority; far more arguments in the debate were based on lofty ideals and imminent dangers, things much less tangible than seeds, or even miles. In competition were contrasting versions of the republican legacy; at stake was the fate of Pennsylvania’s “commonwealth.”

Daniel Agnew, of Beaver, supported the motion because towns and cities possessed more political influence than they warranted; their residents were closer to the polls than were farmers, and thus more of them could attend the elections. Since these urbanites were no more qualified for political activity than their rural counterparts, and would suffer no inconvenience as a result of a single election day, equity demanded consideration toward the agricultural counties. He gently reminded the convention that the rural populace “embraced as much honesty and intelligence as any other class of

¹ Francis Newton Thorpe, ed., The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the States, Territories, and Colonies, now or heretofore forming the United States of America, vol. V (Washington: Government Printing Office, 1909), pp. 3092, 3093, and 3095.

² Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania to propose Amendments to the Constitution, commenced and held at Harrisburg, on the Second Day of May, 1837, reported by John Agg, 13 vols. Harrisburg: Packer, Barrett, and Parke, 1837-39; II, p. 30. [Hereafter cited as Debates] (Joseph Konigsmacher, of Lancaster).

citizens in this State, and their opinions and wishes in this matter, ought to influence the decision of the question.”³ George Shellito, of Crawford, spoke in a similar vein; the farmers he represented were “industrious and intelligent, and in every respect valuable citizens.”⁴

Another delegate, Samuel Cleavinger, of Greene, was not satisfied with such tepid defenses: it was “only fair that the interest of the farmer should be studied,” for he believed that “it was upon his votes that we were to depend, when our liberties were in danger, to preserve them inviolate.”⁵ Expounding classical republican dogma, Cleavinger left it to be inferred why it was that the people were to depend on the farmer to protect their liberties. He did not need to state it explicitly; the men in the convention were familiar with such ideas through the old Jeffersonian Republicans. Yeomen farmers were the wellspring of public virtue; they possessed land, which gave them the economic self-sufficiency to act independently in politics, and thus, presumably, to pursue the common good. But Cleavinger also used what today could be recognized as a liberal phrase, “the interest of the farmer.” Was he implying that the farmer had interests different from that of the rest of the society? If so, what of the public interest? But it is improbable that he was drawing a distinction between the interest of the yeomanry and that of the commonwealth as a whole. More likely, he was asserting that the interest of the farmer was the interest of society. Since it was the farmers who protected the liberty of the commonwealth, the interest of society was maintained by the yeomanry.

Those delegates in favor of the motion were taken aback by the vehemence with which it was denounced, but opponents of the motion were drawing upon the republican

³ Ibid., I, p. 578-9

⁴ Ibid., II, p. 39

tradition as well. Walter Forward, of Allegheny, warned the convention: “The concurrence of these elections would, in all probability, be fatal to the State influence; all would be made to yield to the cabinet influence; unless it should so happen that, at any time, there should be raised an opposition powerful enough to countervail this cabinet influence. . . .The people are jealous of this, and wish to cripple this Federal influence.”⁶ Here, Forward advanced the classical republican idea of a balanced government, but modified in such a way as to make it meaningful to the peculiar governmental structure of the United States. In its classical formulation, a balanced government was comprised of three distinct social orders (the one, the few, and the many), each with its own political roles. A system was corrupt if one of these orders exerted undue influence over the other. In English experience, the greatest danger to be feared was that of the monarch gaining influence over the legislature, which most often occurred because of the vast patronage powers of the king and his ministry. The innovations of American federalism demanded an alteration of this pattern of thought. Forward asserted that the executive department, the president and his cabinet secretaries, had vast patronage powers, which they could, and would, use to influence the state should the elections be combined. He feared a segment of the populace that was hopeful for and financially dependent upon the patronage of a single man or faction. But, just as eighteenth-century British opposition thought demanded vigilance of its citizenry to detect corruption in all of its forms, Forward both threatened and reassured the convention that the people were aware of the executive’s undue influence and would not tolerate it.⁷

⁵ Ibid., I, p. 573.

⁶ Ibid., II, p. 5

⁷ Daniel Walker Howe calls attention to the continued importance of classical ideas of balanced government to Whig political thought, which for him explains their opposition to the broad democratization

Forward was not yet finished with his apocalyptic pronouncements, though, and warned that faction and “feelings of dependence” would only grow stronger should so many electoral struggles be joined: “It is the fashion of the day, in the very greenness of the matter, to put every thing on a party footing. If we suffer this cabinet influence to find its way among us, every fourth year, it will merge all the State elections. What can we expect but that the force of party will prove stronger than the feelings of patriotism, truth, and virtue.”⁸ Forward feared this “party footing” in American politics because he had a premodern conception of political parties, associating them with factions subversive to the common weal.⁹ But that is not all; Forward did not only object to the institutionalization of private interest, he also objected to political parties (and to executive patronage) on the grounds of corruption in the classical sense—corruption in the government led to corruption of the populace. He feared the “feelings of dependence” that party and patronage fostered. If a man aligned himself with a particular party, and even more so if he stood to gain materially through the victory of a particular party, the traditional fear was that he would feel loyalty to that party rather than the community as a whole.¹⁰ Although it is unclear whether Forward was using “virtue” in the public or

of politics that the Jacksonians supported, in Daniel Walker Howe, Political Culture of American Whigs (Chicago: University of Chicago Press, 1979), pp. 76-77. However, neither he, nor any other author of whom I am aware, has examined the ways in which classical balanced government theory was transformed by federalism.

⁸ *Ibid.*, p. 6.

⁹ To Richard Hofstadter, someone possesses a “modern idea of the political party” if that person sees “clearly and consistently what such predecessors as Madison and Jefferson had seen only dimly and fitfully—the merits of party organization as a positive principle, and of two-party competition as an asset to the public interest.” Richard Hofstadter, The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840 (Berkeley: University of California Press, 1969).

¹⁰ Although Forward had a premodern idea of party, until about 1836 a Democrat. He split with the party after a pre-convention interview in which Forward was asked a series of questions concerning the Democratic presidential ticket, the power of the convention to annul the charter of the United States Bank, and the expediency of doing so. Forward answered none of the questions to the party’s liking and in addition voiced his intention to act independently in the convention since constitutional reform should not be a party issue. The separation of Forward and the Democratic party was mutual. See Frank B. Sessa,

private sense, its pairing with patriotism is telling. By joining the state and federal elections in a single day, the influence of the president and his cabinet would dominate state government, corrupting the federal system, and, in turn, corrupting the citizenry themselves, rendering them unwilling or incapable of pursuing the common good.

Some in the convention must have shifted in their seats to hear this searing denunciation of the party with which they identified, and that some even initiated, but one of their number rose to defend the principles of Democracy.¹¹ Knowing that he could not deny that the president had vast patronage power, John J. M'Cahen, of the county of Philadelphia, instead pointed a finger at the appointive power of the state's Anti-Mason (and Whig-supported) chief executive: "The patronage of the governor in the city of Philadelphia was greater than that of the Federal Government Every man knew his own rights, and would be allowed to exercise them. All alike would shew themselves unfettered, either by the State or the General Government."¹² In doing this, M'Cahen not only defended the power of Democratic president Martin Van Buren and the independence of the citizenry; he also indicted those in the convention who opposed constitutional reform. Either patronage did not have a corrupting influence on the body of the people, and thus there was nothing to be feared from joining the state with the federal elections, or it was indeed corrupting, in which case the appointive power of the governor should be curtailed by amending the constitution to make more offices elective.

"Walter Forward in the Pennsylvania Constitutional Convention of 1837-38," Western Pennsylvania Historical Magazine, 20 (1937): 113-122; pp. 114-116.

¹¹ Kim T. Phillips traces the first grass-roots mobilization (beyond Tennessee) of the Jacksonian party to a group of malcontent Pennsylvania politicians. Kim T. Phillips, "The Pennsylvania Origins of the Jackson Movement," Political Science Quarterly, 91 (1976): 489-508.

¹² Debates, II, p. 7.

M'Cahen continued his rebuttal to Forward by defending the Democratic Party itself. "As to party influence," he hoped "it would always exist." M'Cahen proudly declared that he himself was "a party man, sent here, and standing here, for the purpose of carrying out the views of a party for the general welfare. The Government was held up by party, and had been sustained by it."¹³ This is what could be called a "modern" understanding of the party system, and this is true to the extent that Jacksonian Democrats innovated a permanent party structure and a philosophy that explained the necessity of its permanence against older ideas about the evils of faction. However, the roots for this "modern" view stretch rather far in the past. Jacksonian Democrats saw themselves and their party organization as the heirs to the Jeffersonian Republicans, reuniting a coalition lost during the "Era of Good Feelings" to stave off a new aristocratic challenge. For their part, the Jeffersonians had conceived of themselves as continuing in the tradition of the eighteenth-century British opposition: the Country ever vigilant against the machinations of the Court.¹⁴

But how could a party promote the general welfare? By definition, a party was only a part of the people, and however much the Democrats claimed to stand for the whole people, that they did not run unopposed offers proof this was not the case. In its classical formulation, party was equivalent to faction, any group that pursued a private interest instead of the public interest; if a party pursued the common good, it was not, then, a party. This was precisely the rationale that was used to justify the existence of the

¹³ Ibid.

¹⁴ Major Wilson outlines the Jacksonian conception of themselves as Jeffersonian legatees in Major Wilson, "Republicanism and the Idea of Party in the Jacksonian Period," *Journal of the Early Republic*, 8 (1988): 419-442. Two works that stress the Jeffersonians as heirs to the Country tradition are Lance Banning, *The Jeffersonian Persuasion: Evolution of a Party Ideology* (Ithaca: Cornell University Press, 1978) and Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: University of North Carolina Press, 1980).

Country party in eighteenth-century Great Britain and the Jeffersonian Republicans in the 1790s. Although they were not in power, they claimed to represent the whole people, who were in danger of being corrupted by a faction opposed to the common weal. The Jacksonian Democrats, likewise, claimed to represent the people and so to be pursuing the common good; they organized in an attempt to purge the government of corruption, restore virtue to the people, and thus to save the republic from decay.¹⁵

The classical conception of the commonwealth was one of consensus. A community would be in agreement on what its ideals were and which interests should be pursued. For this consensus to be possible, classical republicans postulated, a community must be small in size and financially and culturally homogenous. James Madison fired the “opening salvo” against this conception of the common good in the tenth Federalist, arguing that the common good could best be achieved in an extended republic that was possessed of a multiplicity of interests.¹⁶ In such a community, it would be nearly impossible for a majority faction to form. Citizens and statesmen would know this, and because they knew the impossibility of their private interest being achieved, they would then disinterestedly contemplate and pursue the common good. But this acknowledgment and even encouragement of a society of competing interests ultimately rejects the classical conception of the common good altogether. Indeed, in the eyes of Madison, “to argue that the public interest is the result of communal consensus is tantamount, therefore, to arguing that the public interest does not exist.”¹⁷ This is not to say that

¹⁵ Marc W. Kruman, “The Second American Party System and the Transformation of Revolutionary Republicanism,” Journal of the Early Republic 12 (1992) 509-37; p. 510.

¹⁶ The phrase belongs to John Daniel Saillant, “Letters and Social Aims: Rhetoric and Virtue from Jefferson to Emerson” (Ph.D. dissertation, Brown University, 1989), p. 153.

¹⁷ Franklin A. Kalinowski, “David Hume and James Madison on Defining ‘The Public Interest’” in Richard K. Matthews, ed., Virtue, Corruption, and Self-Interest: Political Values in the Eighteenth Century

Madison did not believe in a common good, simply that he did not expect a community to be in absolute agreement over what this common good was. If the common good is not consensus, then what is it?

This is not an easy question to answer, and M'Cahen demonstrated this himself when he again rose to defend his principles from an accusation that federal office holders would have a corrupting influence on the state election:

It is true I am an officer of the Government, but I am also a citizen of Pennsylvania, and will use my best endeavors to promote her interests. As one of the delegates of the county of Philadelphia, I shall regard the rights and interests of those whom I represent, independently of any connexion with party or office, and I hold myself free to act on this and every other question in reference wholly to the source from which I receive my power.

Claiming that he would pursue the interests of Pennsylvania in independence, his remarks sound reminiscent of the classical conception of the public interest, in this case, a state with a single commonwealth. But he went on to clarify himself, stating that he represented a particular county, and since he derived his power as a delegate in the convention from the citizens of that county, and not from the people of the state at large, it was his responsibility to promote their interests.

So, then, what of the commonwealth? If the citizens of the county of Philadelphia desired reform, then he felt bound by duty to take such a stance in the convention; the citizens of his county supported changing the date of state elections to coincide with the presidential election, so he must endeavor to achieve that reform. He made no mention of the possibility of conflict between the interests of the county of Philadelphia and those of the commonwealth of Pennsylvania, and thus we are left to wonder how he would

(Bethlehem: Lehigh University Press, 1994); p. 176. In this article, Kalinowski outlines the variety of conceptions of the public interest that Hume and Madison alternately accepted and rejected, neither man reaching "consensus" on just what the public interest was.

conduct himself if such a conflict arose. If he perceived that the citizens of Philadelphia County desired something that would be detrimental to the state, would he subordinate the private interests of his county for the good of the commonwealth? Or, was it his duty to obey the instructions of those who charged him with representing their interests? In such a view, the common good was that which the majority of the people desired to pursue, and thus it was of crucial importance for a representative faithfully to represent the will of his constituents. However, M'Cahen was a Democrat, and he was not elected unanimously. A similar conflict presented itself on the county level. Was it his duty to represent the will of those who placed him in an office of trust, in this case the Democrats of his county, or did his duty as a statesman oblige him to discern and act upon a common good for his county, independent of any private, or party, interests? Was he really a "party man," then, if he retained the desire and the duty to act independently of his party? Even those who were the most zealous supporters of the Democratic Party were unwilling to submit completely to party instruction. Independent deliberation was yet the most crucial form of political action.

Not all in the convention were willing to cast aside old associations of party with faction. Robert Fleming, of Lycoming, was astounded by M'Cahen's open admission of party spirit and disgusted with his claim that such insidious impulses actually sustained the government. He angrily disclaimed "any thing like party motives or feelings." If his course suited his party, "it was very well," but he should "go for what [he] thought right, come what may."¹⁸ Here, Fleming's words suggest a more traditional view of the role of the statesman. He declared no allegiance to any group within the government, nor did he express any feeling of duty to represent the views of his constituents in particular. Acting

upon a disregard for constituent instruction that was most commonly found in Whigs, Fleming regarded his duty as a delegate to discern a common good for the state as a whole and to act on that.¹⁹

Having defended his role as a statesman independent of party instruction, Fleming proceeded to break away from Whig views and supported the motion on the table. “As to the effect on the elections of choosing State officers, and the Electoral ticket, on the same day, [he was] not prepared to say that it would be so great as to subject the whole mass of people of the State to Government influence.” Continuing, much to the chagrin of the Whigs opposed to the proposed amendment, he declared that he had “too much confidence in the people, to believe that they could be humbugged and gulled, by any party that came into power.”²⁰ Charles Brown, of the county of Philadelphia, expressed a similar respect for the people at large, though his expression is less surprising since he was a Democrat. He declared that it made no difference to him one way or another if the state and federal elections were held on the same day, for he had “too high an opinion of the intelligence, discernment, and integrity of the people, to suppose that they would be influenced by the officer of any Government, whether of the United States, the State, or of the city of Philadelphia.”²¹ Although these two speakers did not reveal to us whether they thought such “intelligence, discernment, and integrity” were necessary for the survival of the state or the republic, they did express confidence that the people had the capacity to resist whatever corruption did exist in the system, that corruption within the

¹⁸ Debates, II, p. 9.

¹⁹ Lawrence Frederick Kohl presents a compelling analysis of the differences between the Jacksonian conception of the role of the statesman and the Whig conception of that role in Lawrence Frederick Kohl, The Politics of Individualism: Parties and the American Character in the Jacksonian Era (New York: Oxford University Press, 1989); pp. 124-130.

²⁰ Debates, II, p. 9.

²¹ *Ibid.*, p. 11.

government would not necessarily corrupt the people. In doing so, they rejected a fundamental premise of classical republicanism. Indeed, the very recognition of a distinction between government and society is a hallmark of modern liberalism.

Not all delegates agreed with the reasoning of Fleming and Brown, not even all of those who supported the motion. Harmar Denny, a Whig representing Allegheny, did fear the corrupting influence of the government, but he did not believe it affected the entire people:

The influence of this patronage is more strongly felt in the cities and large towns than in the country. . . . The yeomanry of the country are not reached by this influence. It is not so with those who are immediately exposed to it, many of whom may act under it without being conscious of it. It might, therefore, be salutary to bring both elections on the same day, so that the influences of the officers of the General Government might be counteracted by the yeomanry of the State.²²

Expressing the views of Harrington via Jefferson, Denny regarded the small farmers of the country as those who possessed the most independence, and thus, those best able to regenerate the system should it become corrupted. In the Jacksonian era, it was the Whigs who tended to cling to this emphasis on economic independence more than did the Democrats, as was seen in the debates on the extension of the franchise. Anti-Mason Joshua F. Cox, of Somerset, agreed with Denny: if the days of the federal and state elections were combined, “the yeomanry and all those who love their country . . . would turn out *en masse*, and the consequence would be a full, fair, and free expression of opinion.”²³

Calling to mind familiar republican principles, Denny and Cox supported the motion to join the state and federal elections in one day, finding such a measure

²² Ibid., p. 17.

²³ Ibid., p. 23.

necessary to increase the participation of the virtuous yeoman, whose vigilance alone could halt the decline of the republic. But in the very recital of such maxims to support an amendment they saw as necessary, they were renouncing civic humanism itself. True, the problem was a familiar one in republican discourse — the people being corrupted by a corrupt government. The proposed solution was familiar too, but in what way was the yeoman virtuous, if he would only do his duty for the state when it was convenient? Perhaps he was possessed of the liberal virtues of industriousness, temperance, and frugality, all of which were virtues in antiquity as well, but none of which equate to civic virtue. Although the fullest expression of civic virtue was the surrender of self-interest to the common good, the initial sacrifice involved was the citizen's fulfillment of the obligation to participate in politics at the expense of other pursuits.²⁴ If the farmer could only be induced to participate in politics by making it convenient, then he had presumably ceased to recognize, if indeed he ever had, that he could only fulfill his fundamental nature through political action. Rejecting that man is, by nature, a political animal, is to leave classical republicanism without a foundation. A polis made of sand — easily molded, and ultimately, easily washed away.

In the end, the date of the state elections went unchanged, the second Tuesday in October remaining protected by weeks from the presidential election. Democrat Joel K. Mann, of Montgomery, frustrated and confused, could only shake his head, left to wonder how the convention had spent so much time on “a question that involves neither principle

²⁴ Lance Banning, “Some Second Thoughts on Virtue and the Course of Revolutionary Thinking,” in Terence Ball and J. G. A. Pocock, eds., Conceptual Change and the Constitution (Lawrence: University Press of Kansas, 1988), pp. 199-200. John Patrick Diggins questions whether the idea of civic virtue could have even made sense in the predominantly agricultural society of the eighteenth- and early-nineteenth-century United States, focused as it was in antiquity upon the city, in John Patrick Diggins, The Lost Soul of American Politics: Virtue, Self-Interest, and the Foundations of Liberalism (New York: Basic Books, 1984); p. 116.

nor much interest.”²⁵ But Mann was mistaken in this respect. It did involve principle. The question involved conceptions of the republican tradition that were sharply diverging from one another and, to an even greater degree, from civic humanism itself. And, although the days of debate may have lacked excitement in Mann’s eyes, “interest” was precisely what was under debate. Which interest would be pursued — self-interest or the public interest, cupidity or the commonwealth?

²⁵ Debates, II, p. 18.

CONCLUSION

Republican rhetoric continued to be used by delegates in the Pennsylvania constitutional convention of 1837-38. That is not to say that this rhetoric represented pure Renaissance humanism or British “Country” thought or even the republicanism so prominent during the American Revolution. American ideas and values were becoming more fully liberal in antebellum America, but republicanism as a tradition had long been molded to meet the demands of those who invoked it, and such was the case in Jacksonian Pennsylvania. Some delegates in the convention did at various points expound ideas that were consistent with older aspects of the republican tradition, but such statesmen and statements were exceptional. Republicanism was not the dominant ideology in Jacksonian Pennsylvania. It was not a coherent body of ideas through which one perceived the world and acted accordingly. Jacksonian Americans could and did adapt their ideological and rhetorical inheritance to the issues they faced, issues different from those that faced their forebears. The extent of republicanism’s influence in Jacksonian Pennsylvania was to provide a vocabulary that shaped political discussion.

Historians Sean Wilentz and John Murrin each recognize the rhetoric of republicanism in Jacksonian politics. However, they go beyond this by also claiming that the assumptions on which republicanism as an ideology had always rested were also in place. Republics were in constant peril, being particularly vulnerable to decay. To halt

this degeneration, a republic needed a virtuous citizenry able to recognize and pursue the common good even at the cost of their own private interests. The citizenry must also be ever vigilant in monitoring the actions of government, for corruption in the political system would spread to the people at large, thus threatening political liberty and the very survival of the republic.¹

From the arguments employed in the Pennsylvania constitutional convention of 1837-38, it is clear that the assumptions Wilentz and Murrin discuss were no longer fully intact. Delegates could praise the public virtue a citizen possessed without claiming this virtue was necessary for the republic's survival or that a man's nature required fulfillment in political action. And those who believed that the state should grant rights to its citizens without any corresponding duties, certainly would not demand virtue from them. Delegates could rail against corruption in government, but because of the ideological buffer between society and government that liberalism provided Jacksonian Americans, the problem of governmental corruption could be debated and solved calmly since there was no fear that the people themselves were in danger. Delegates could speak of the common good, whether demanding its pursuit or eulogizing its loss, while not believing this common good to be anything more than whatever the majority willed it to be.

Denying the coherence of the assumptions that once supported republican thought does not deny the importance of republican ideas to antebellum America. To put it another way, the absence of ideology is not equivalent to the absence of ideas, and this study of the rhetoric used in one convention in Jacksonian America has attempted to

¹ See John M. Murrin, "Escaping Perfidious Albion: Federalism, Fear of Aristocracy, and the Democratization of Corruption in Postrevolutionary America" in Richard K. Matthews, ed., Virtue, Corruption, and Self-Interest: Political Values in the Eighteenth Century (Bethlehem: Lehigh University

illustrate that. For historians such as John Patrick Diggins, Joyce Appleby, and Jean Baker the presence of this rhetoric without republicanism's underlying assumptions is tantamount to hypocrisy.² For them, republicanism in Jacksonian America was an empty shell. Keywords were occasionally invoked, but only to mask self-interested politics. This is not convincing. Even if we were to assume that the delegates utilizing republican rhetoric were doing so without conviction, we would still need to ask the question of why then employ it at all. The obvious answer is that the speakers thought that it would be persuasive. Even if a particular speaker was using republican rhetoric hypocritically, he must have counted on its appeal to his audience, thus implying that republican ideas were still meaningful in Jacksonian America.

There were a few speakers in the convention who addressed several issues and did so while employing different facets of the republican tradition. By tying some of these speakers' various ideas together, we can come to a fuller understanding of how specific individuals were able to use republican ideas to make sense of the issues at hand in the convention. Thaddeus Stevens, the young Anti-Mason and future Radical Reconstructionist, emphasized the traditional republican concerns for education and the franchise. It was the duty of the government to educate its citizenry for only then would the citizenry be able to preserve the liberty of the republic. Further, Stevens stressed that one should have to pay a tax to vote; payment of a tax showed character and only individuals who possessed this character could safely exercise the *privilege* of suffrage.

Press, 1994); Sean Wilentz, "On Class and Politics in Jacksonian America," Reviews in American History 10 (Dec., 1982): 45-63.

² See Joyce Appleby, Capitalism and the New Social Order: The Republican Vision of the 1790s (New York: New York University Press, 1984); idem., "Republicanism and Ideology," American Quarterly 37 (1985) 461-73; idem., "Republicanism in New and Old Contexts" William and Mary Quarterly, 3d Ser., 43 (1986): 20-34; Jean Baker, "From Belief into Culture: Republicanism in the Antebellum North," American

Expressing classical concerns about corruption in the system of government, Stevens feared giving the senate a share in the appointment power, since it was their function to legislate, not to decide who would execute the laws. This undue legislative influence would make the executive dependent and thus both branches unfit for its duties.³

Stevens, the member of the convention who would go on to achieve the most national prominence, began his career well versed in classical history (recall his reference to Lycurgus early on in the convention) and highly influenced by republican ideas: citizens must be intellectually and economically independent, as developed through education and demonstrated through property, and one branch must not be led to exert undue influence over another, lest the government become corrupted.

George Washington Woodward also provides an interesting study. A future chief justice of the Pennsylvania Supreme Court, Woodward assumed his first political office on election to the convention. Just recently graduated from college, he proudly saw education as necessary training for those who were to become citizens and statesmen. Too often youths neglected these studies to plunge into politics, doing so, in Woodward's opinion, without any true civic knowledge. Such individuals lacked the independence of mind necessary to act virtuously in politics. Instead they became dependent on the guidance and preference of veteran politicians. It was for this reason that Woodward feared the vast patronage the governor possessed. The state's chief executive could himself be the most corrupting influence on the commonwealth. Although he recognized

Quarterly 37 (1985): 532-50; and John Patrick Diggins, The Lost Soul of American Politics: Virtue, Self-Interest, and the Foundations of Liberalism (New York: Basic Books, 1984).

³ We must remember here the American substitution of different branches of government for the distinct social orders that existed in the Continental and British versions of republican thought. See Gordon S. Wood, The Creation of the American Republic, 1776-1787 (Chapel Hill: University of North Carolina Press, 1969).

the ancient republican fear that corruption in the system of government could have a corrupting influence on citizens themselves, in true Democratic fashion, he declared that the people were too alert for this influence to be fatal. But his democratic tendencies did not extend to all. Even while acknowledging that blacks were capable of self-government, he denied that they could be safely entrusted with the franchise. He feared a “streaked and spotted” commonwealth. For Woodward, the presence of another race in Pennsylvania, especially one that was politically active, denied the possibility of a single commonwealth. They had never been party to the social contract. Just as traditional republican thought insisted on homogeneity for successful republics, so too did Woodward refuse to admit the possibility of a racially heterogeneous republic; nor would he admit the possibility of a black citizen, even one potentially as educated and prepared for civic action as himself. More than any other delegate, it was Woodward who presented the most coherent exposition of republican thought. Perhaps it is only fitting then, that after sitting in the commonwealth’s next constitutional convention in 1873, he died two short years later in the city that seemingly inspired his thought—Rome.⁴

For a final example, Walter Forward placed a high priority on education, declaring that it was the duty of the state to provide schools for the people. Forward was strictly committed to federalism and he feared what would result if state and national elections were held on the same day. Similar to classical fears of one order encroaching on another, Forward feared the influence federal cabinet members could bring to bear on the state, corrupting its government and its people by fostering feelings of dependence. Ironically Forward would be thrust into this feared position himself when he was appointed Secretary of the Treasury in 1841. Forward also defended a tax requirement

⁴ Biographical Congressional Directory, pp. 1128-9.

and a registry of voters, citing economic independence and attachment to one's community as prerequisites for exercise of the franchise; anyone possessing these qualifications, white or black, should be allowed to vote in the community in which they obviously had a stake. Thus Forward recognized the primary importance of political independence and feared what would result if independence was corrupted or never instilled. What is perhaps most surprising is that with these ideas Forward was a Democrat until the eve of the convention. As we can see with the continued, albeit drastically reduced, presence of Anti-Masons in the convention, the second American party system had not fully crystallized in Pennsylvania in 1837. It is beneficial to speculate whether the malleable language of republicanism perhaps contributed to this instability.

Neither party had a monopoly on the republican tradition in the constitutional convention. Anti-Masons and future Whigs, Democrats, and Democrats-turned-Whigs could all utilize various aspects of the republican tradition, but Whigs were its most frequent exponents. Democrats who did employ the tradition did so when diverging from most of their party colleagues. Whigs used republican rhetoric far more than Democrats in stressing the necessity of education, Whigs and Democrats used contrasting strands of the tradition in the debates over suffrage, and each party used the common vocabulary when speaking of the corruption caused by the governor's excessive patronage. Americans came by the republican tradition through British opposition rhetoric, and in Jacksonian Pennsylvania an opposition rhetoric it remained. As such, it was most often and most effectively employed when expressing fears. Whigs feared a citizenry that was not educated and an education that did not inculcate the young in American Protestant

culture. Whigs feared a republic that was culturally heterogeneous while accepting one that was economically differentiated. Democrats feared a republic that was racially heterogeneous even while praising the institutionalization of political difference through the Democratic party. Whigs feared giving the vote to those who were not sufficiently attached to the community or to those who lacked the independence necessary for its proper exercise. Fear of governmental corruption was expressed across party lines, as were expressions of fear for the republic's decay. Some solutions were in fact offered through this republican tradition, but then mainly as the converse of a republican fear—acculturative education; restriction of the franchise to whites; continued, albeit reduced, tax and residency requirements; reduction of the governor's patronage.

The republican tradition continued to be meaningful in Jacksonian Pennsylvania, even if the details of that meaning had changed since the revolution. Forces of individualism, democratization, and the market economy may have changed the issues and terms of debate by 1837, but republicanism still shaped the way delegates thought and especially the way they expressed those thoughts. It was a malleable tradition, and because of this it continued to offer a powerful vocabulary for delegates to use when expressing their ideals for the republic and when describing the dangers they feared would lead to the commonwealth's demise.

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